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MINUTES OF EVIDENCE.

(Affairs of the East India Company)

Veneris, 30° *die Aprilis*, 1852.

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MEMBERS PRESENT:

Mr. Baring.
Mr. Herries.
Sir R. H. Inglis.
Sir James Hogg.
Mr. Wilson.
Mr. Bankes.
Sir Edward Colebrooke.
Mr. Spooner.
Viscount Jocelyn.
Viscount Mahon.
Mr. Hume.
Mr. Hildyard.
Sir William Molesworth.
Sir J. E. Tennent.
Mr. Baillie.
Mr. Hardinge.
Lord John Russell.
Mr. Vernon Smith.
Mr. Mangles.
Mr. Labouchere.
Mr. Newdegate.
Mr. Plowden.
Mr. Cobden.
Mr. Cardwell.
Mr. M. Gibson.

THOMAS BARING, Esq., IN THE CHAIR.

James Cosmo Melvill, Esq.; Examined.

J. C. Melvill, Esq.
30 April 1852.

1. *Chairman.*] IN what capacity are you connected with the East India Company?—I am Secretary to the Court of Directors.

2. For how long a time have you acted in that capacity?—I have been 44 years in the service, and during nearly 30 years of that period I have been at the head of departments; first as auditor of Indian Accounts; then as financial secretary, and since 1836 as secretary, under the arrangements which were then made, consequent upon the Act of 1834, for consolidating the financial department with the secretariat.

3. Has your situation given you ample means of observation and cognizance of the working of the Act of 1834, as regards the machinery of the government of India?—It has of the government at home.

4. It is the wish of the Committee, at present, to confine its inquiry entirely to the mode of administering the affairs of India, at home and abroad, under the changes introduced by the Act 3 & 4 Will. 4, c. 85; and we will begin with the mode of conducting the government of India at home. Will you state what changes in the constitution of the government of India, at home, were caused by the Act of 1834, 3 & 4 Will. 4, c. 85?—Previously to 1834 the East India Company were a trading corporation; they were also invested with the government of India. Under the Act of 1834 they ceased to trade, and were restricted to the government of India. The consequence of that arrangement has been, that, among the holders of East India stock, the number of persons concerned in trade has diminished, and the number of persons interested in India has increased. The Directors also are more connected with India than they were; of fifteen Directors elected since 1834, one only was wholly unconnected with India. Another change which has taken place is this: previously to 1834 the proprietors could only vote by ballot personally, that was secret voting, under

of 1834 they were allowed to vote by proxy, that is open voting. The effect of this has been largely to increase the number of votes given. At the three contested elections previously to the Act of 1834 the average number of votes given was 1,467; and at the three last contested elections, under the system of proxy, the average number has been 2,036. Previously to 1834 the East India Company had large territorial claims upon India; under the Act of 1834 those claims were all relinquished, and from thenceforward the East India Company were declared to hold the property of India as trustees for the Crown. In 1834 the powers of the Board of Control were enlarged, so as to meet the altered circumstances of the case. Previously to 1834 a large quantity of business was discharged without control on the part of the Board of Commissioners, being business relating to trade; but consequent upon the cessation of trade, it was declared that all the powers of the Court of Directors should be subject to control on the part of the Board, except in the particular cases with respect to the appointment of the servants and officers which are mentioned in that Act. The powers of the Secret Committee, which had previously been limited to cases of peace or war, or negotiations with native states and princes in India, were extended, so as to include other princes and states. Previously to 1834 the Court of Directors had the power of making grants of money to any one person, not exceeding 600 *l.* in one sum, and any annuity not exceeding 200 *l.* a year, without reference to the Board of Control; under the Act of 1834 all money grants are subject to that Board. The only other change that I would mention as affecting the Court, in the Act of 1834, is, that in cases in which the Court of Directors might doubt whether the instructions of the Board of Commissioners were consistent with the law, it was provided that the Court of Directors might draw up a case, which, when approved by the Board, should be submitted to three Judges of the Court of Queen's Bench, whose decision upon the point at issue should be final. This authority there has never been any occasion to act upon.

5. What powers do the Court of Proprietors possess beyond that of electing Directors?—They have the power of making bye-laws, which bye-laws, if not repugnant to the statute, are binding upon the Court of Directors. They have the power of making and controlling grants of money of certain amounts, subject to control on the part of the Board; they may call for any papers which are in the custody of the Court of Directors; they may meet and discuss any questions connected with the administration of India, although they are expressly forbidden from altering, varying, or rescinding an yresolution of the Court of Directors after it has been approved by the Board of Commissioners.

6. Is there any limit to the grants of money that they may make?—There is no limit to their absolute power of granting money; any proprietor may give notice that on a certain day he will move the grant of a sum of money; he names the sum, and if the Court of Proprietors pass that resolution, it is subject only to control on the part of the Board of Commissioners. The limit applies to cases in which the Court of Directors bring, as they are required to do, before the General Court pecuniary grants. The Court of Directors cannot grant more than 600 *l.* by way of gratuity to any one person without reference to the Court of Proprietors, nor can they grant pensions or salaries exceeding 200 *l.* a year without reference to that Court. This does not apply to grants to officers on the home establishment, the Act of 1834 having placed a sum (paid annually by estimate, with the approbation of the Board) at the disposal of the Court of Directors for that particular service.

7. Do you think it desirable that the proprietors should have a power of discussion with regard to the affairs of India, when they have no power of interfering with or deciding a question?—I see no objection, but, on the contrary, an advantage in their possessing the power of discussion. The General Court affords a vent for grievances, either real or supposed; questions are consequently raised and discussed there, instead of being raised and discussed in Parliament. I think, also, that there is an inducement, in the knowledge that subjects may be discussed in the General Court, to persons conversant with Indian matters to become proprietors; and it certainly was contemplated by the parties to the arrangement of 1834, that the General Court should have the power of discussion. Lord Glenelg, (then Mr. Grant), on the 12th of February 1833, wrote in these terms to the Chairman and Deputy Chairman of the Court of Directors: "The

"The plan allots to the proprietary body important powers and functions in the administration of Indian affairs; and in order to ensure their properly exercising such powers and functions, his Majesty's Ministers deem it essential that they shall be linked and bound, in point of interest, to the country which they are to assist in governing. The measure, therefore, of connecting them immediately with the territory of India is evidently not an incidental or immaterial, but a vital condition of the arrangement, and in proportion as this condition is dispensed with, the advantages of the arrangement are sacrificed."

8. Is any number of proprietors requisite to constitute a quorum of the General Court?—There is no quorum required, but I am of opinion that it would be an improvement if there were one. I am aware that there have been often long, tedious, and probably useless debates in that Court, which have not tended to advance them in public estimation, and I think it would be desirable that there should be a quorum, in order that there might be an opportunity of counting out the Court, and preventing the influence of a very small body of persons. I say this, having been frequently present myself when three or four proprietors only remained to hear the speeches.

9. And the Directors must sit till the discussion has terminated?—Yes; at least the Chairman must.

10. What, in your opinion, has been the effect of the change of 1834 upon the efficiency of the Court of Directors?—From constant observation of the proceedings of the Court of Directors, having been always present during their discussions, I am enabled to say, that the effect of the change made in 1834 has been vastly to increase the efficiency of that body in the administration of the government of India; their attention, instead of being necessarily engaged, as it used to be, in the details of the management of a great trade, including the China monopoly, is now exclusively given to the affairs of government, which are fully sufficient in extent and importance to absorb the undivided attention of the Court. The increase of business, I may add, has been very large; in 1834 the number of despatches received from India was 778; in 1851 the number was 2,090; the number of despatches to India in 1834 was 667, and in 1851 the number was 1,012; the number of miscellaneous letters addressed to persons in this country in 1834 was 2,850, and in 1851 the number was 4,500.

11. How are the Chairman and Deputy Chairman chosen?—By the Court of Directors, by selection from among their own body.

12. By majority, in case it comes to a division?—Yes; by the majority, the votes being taken by ballot.

13. Into how many committees are the Directors divided?—There are three committees; the Committee of Finance, the Committee on Political and Military matters, and the Committee on Revenue and Judicial matters.

14. What are the functions of those committees?—The functions of those committees comprise correspondence with India in the respective departments indicated by their designations, and also correspondence of a like character with individuals and others in this country.

15. How are those committees chosen?—By the Court of Directors, at their first meeting after every annual election; the three first Directors in order of seniority are taken: the first is appointed to the Finance Committee, the second to the Political and Military Committee, and the third to the Revenue and Judicial Committee, and so through the whole Court in the same manner; exchanges are then permitted from one committee into another, provided they are made within one week after the appointment of the committee.

16. Are those exchanges subject to the approval of the Chairs?—They are sanctioned by the Court at large, but they are always matter of arrangement between the individual Directors.

17. Is the attendance of the Directors frequent and regular?—The Chairman and Deputy attend every day, and once a week they confer personally with the President of the Board of Control; the average attendance of the Directors on court days has been upwards of 20; we have no record of the daily attendance of the Directors on ordinary days; but from daily observation, I may say that eight is about the number that attend usually on ordinary days, not court days; on Saturdays there are probably a fewer number than on other days.

18. Twenty-four is the number of Directors?—Yes.

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19. And that includes the two Chairs?—It does.

20. Now that the Board of Control controls every act of the Court, does the Court of Directors possess any real power?—I think it possesses great power: in ordinary cases the Court originates everything; even if the Board of Commissioners see occasion to think that subjects which ought to be taken up are neglected by the Court, the Board can only rectify the evil by calling upon the Court of Directors to frame orders upon the particular subject; and it is only in the event of the Court of Directors failing to respond to that call, that the Board can write a despatch upon the subject. Themselves then, in regard to grants of money, the Board are altogether prohibited from making or increasing any pecuniary grant proposed by the Court of Directors; they may say "No" to any grant, they may reduce any grant, but they cannot originate any grant; consequently the power of originating grants of money is with the Court of Directors.

21. Can the Board increase a grant?—No; having, therefore, the power of originating orders to India, and grants of money, I conceive that it must be admitted that the Court of Directors still possess great power.

22. Has the Board of Control any power to make appointments to offices in India or at home?—The President of the Board, as the adviser of the Crown, recommends for particular offices, as Bishops, and Judges of the Supreme Court, to which by law the Sovereign appoints. In regard to the offices of Governor-general, Governor, Commander-in-Chief, andf ourth ordinary Member of the Council of India, usually called the Legislative Councillor, the power of appointment is with the Court of Directors, subject, however, to the approval of the Crown, which approval must be countersigned by the President of the Board; but the Board are expressly prohibited from nominating or appointing any servants of the Company, or from interfering with the absolute right of the Court to recall and dismiss their servants at pleasure.

23. Will you now explain the mode of preparing the despatches for transmission to India?—Each despatch from India is laid before the Court of Directors. When a despatch comes from India it is accompanied by a collection of papers bearing upon the subject, and of course that collection contains the former correspondence relating to it, and the present proceedings of the Government upon it. This despatch comes to the secretary's office, and from it, is immediately transferred to the department to which it relates. In that department an abstract of the contents of the despatch is made; this is lithographed, and copies of it are sent to the Chairman and Deputy Chairman, and the members of the committee having the superintendence of the department to which the despatch relates. The officer in charge of that department then communicates with the Chairman and Deputy upon the despatch, and, in cases in which the subjects are not mere routine, receives instructions as to the tenor of the reply. A draft answer is then prepared, and submitted with the collections to the Chairman and the Deputy; they confer together, and with the officer, upon the subject; and when the draft conforms to their views, they place their initials upon it as the authority for its being sent to the President of the Board, in what is technically called "P. C.;" that is to say, previous communication. In due time the draft is returned either unaltered, or with alterations made in it by the President of the Board. If unaltered, the draft is immediately submitted to the committee of the Court having superintendence of the department in which it is. If altered, the officer communicates with the Chairman and Deputy Chairman, who either allow wholly or partially, or reject entirely, the alterations. The draft is finally arranged by the Chairman and Deputy, and is then in like manner submitted to the committee. Drafts generally lie on the table of the committee for a week, during which time both the draft, and any papers bearing upon the case, are perused by the members of the committee. The committee then discuss the draft, and adopt or alter it as they think fit, after which it is submitted to the Court, who usually take a week for consideration, and then the draft comes on for discussion. Every director has an opportunity of expressing his sentiments, and, if he differs from the majority, of recording a dissent. When the draft is approved by the Court, the secretary sends it officially, with all the papers, including the dissents, if any, to the Board of Commissioners, and the Board return it quickly, and always within two months, the period limited by law,

approved

approved or altered ; and if altered, with a statement of their reasons for making the alteration. The unaltered drafts are immediately transcribed, and fair copies, signed by at least 13 members of the Court, are despatched to India. The altered drafts are referred to the proper committee, upon whose report the Court decide, either that the alterations shall be acquiesced in, in which case the draft is signed and despatched to India, or that a remonstrance shall be addressed to the Board against the alterations, in which case the draft is sent back until the final decision of the Board is communicated, and then the despatch is forwarded. Such is the ordinary course of proceeding, but it frequently happens that important questions are raised by the Government of India requiring prompt attention, and those are, both by the Court and the Board, taken out of the usual course and quickly disposed of; so that replies to references from India are often, now that the communication is so accelerated, received there within six months from the date of the reference, and in some cases earlier than that.

24. Suppose an Indian despatch not to be of urgent importance, and that no difficulty is thrown in the way of an answer, how long a time does it generally take to send an answer in the shape of a despatch to India?—The time occupied varies very much with the subject; but I should say, that in ordinary cases a period of six or eight months elapses in this country before the despatch is finally transmitted.

25. Do you apprehend that any injury or inconvenience has arisen from that delay?—Delay is always an evil, I admit; but considering that in those ordinary cases the despatch is, generally speaking, a revision of acts done by the Government of India, the evil of delay is, I think, not of great consequence, and it is more than counterbalanced by the sifting which the despatch undergoes.

26. Are cases of controversy or collision between the Court and the Board frequent, or of a serious character?—Considering the nature and extent of the business, the cases of serious difference are not numerous: objections are, in the first instance, raised and discussed in friendly communication between the Chairman and the President; and so far as my observation has enabled me to judge, when controversial correspondence has arisen, there has been a mutual disposition evinced to compromise minor differences, and to struggle only for the principle at issue. Of course, after discussion and remonstrance, the Board's decision is final; but the instances are not numerous in which the Board finally overrule the Court. I have found, upon inquiry, that of the drafts that go to the Board in "P. C." (previous communication), more than one-half come back without any alteration at all. Of the altered drafts, a large proportion consist of alterations that are little more than verbal, and generally acquiesced in by the Chairman and Deputy Chairman before the draft goes to the committee; and I find that of the drafts that, being approved by the committee and the Court, go to the Board officially, and are returned by them, not more than five per cent. contain any alterations at all; thus showing how the previous communication works in bringing about an agreement between the Chairman and the President of the Board.

27. I understand you to speak with reference to the period that has elapsed since 1834?—Exactly.

28. Do the Court ever record dissent from the decisions of the Board of Control?—As a Court collectively, they have not done so since 1834; a bye-law of the general Court, made after the arrangement of 1834, provides, that whenever the Court of Directors shall pass a resolution of protest against orders or instructions given by the Board of Commissioners for the Affairs of India, after a remonstrance on the part of the Court, such resolution of protest shall be laid before the next general Court. It is only in a case believed to be of very serious importance, that the Court of Directors would ever have recourse to such a proceeding, and there has been no such case since 1834.

29. Does the general Court of Proprietors afford any opportunity or power of publicity?—It does. The practical effect of the bye-law to which I have referred is to give to the Court of Directors the power of publishing to the world, through the Court of Proprietors, any case in which the Court of Directors may think that the interference of the Board is calculated to produce evil; and the Court of Directors have also the power of laying before the Court of Proprietors any papers not in the Secret Department which they may think fit, and the Board of Control have no power to prevent their doing so.

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30. With reference to the Secret Committee, has any material enlargement of the powers and jurisdiction of that committee been made by the last Act?—The Secret Committee consists of three Directors; the Chairman, the Deputy Chairman, and the senior member of the Court, are the Directors usually chosen for that committee; their jurisdiction is expressly restricted to cases "in which the Board of Commissioners shall be of opinion that their deliberations concerning peace and war, and treating or negotiating with native states and princes, and with other states and princes, or touching the policy to be observed toward such states, shall be of a nature to require secrecy;" the only addition, as I have before stated, made by the Act of 1834 was to include "other states and princes," adding those words after the words "native states and princes." The Secret Committee is purely ministerial; the despatches they receive are immediately sent to the Board, and the despatches to India emanate from the Board; in both cases the Secret Committee retains copies.

31. Does your experience enable you to suggest any improvement in the constitution and powers of the Secret Committee?—I think not, presuming always that the subjects managed by the Secret Committee are strictly confined to those specified in the law. It has occasionally occurred to me, that it might be desirable to give to the Secret Committee a similar power of remonstrance to that which the Court of Directors possess in public matters; but mature reflection induces me to doubt whether the advantages of any such change would not be counterbalanced by the disadvantages of it. Important political questions, involving war, must, I think, always be left to the Government of this country. I presume, in saying this, that the orders upon these subjects emanate not merely from the President of the Board, but from the Cabinet, the Committee being aware that the Board comprehends not only the President, but the First Lord of the Treasury, the three Secretaries of State, the Chancellor of the Exchequer, the Lord President of the Council, and the Lord Privy Seal. I do not think, upon such questions, that it would be desirable that there should be any division of responsibility, and I feel that the power could not be satisfactorily exercised if it were given; they are questions which generally require to be dealt with more promptly than perhaps would be consistent with a reference to two bodies. Whenever the information of the members of the Secret Committee would be useful in the consideration of such questions, the President of the Board has an opportunity of consulting them; and, on the other hand, the members of the Secret Committee, being conversant with all that is passing, have an opportunity, if they think fit, of pointing out to the President of the Board, either verbally or by letter, whatever they may deem of importance in the Secret Department.

32. Then I understand your opinion is, that it is better that the power and responsibility in these matters should rest entirely with the Government?—I think so.

33. As the Secret Committee has practically no power, what is the advantage of maintaining it as the channel of communication with the Government of India?—One advantage is, that a body identified with the Court of Directors knows, as it ought to know, everything that is passing affecting the good government of India; the members of the Secret Committee can also see whether or not the limits of their powers are exceeded in what may be proposed; and it is likewise necessary that instructions affecting the movement of troops in India should be known to the organs of the Court of Directors, inasmuch as they may affect arrangements connected with the equipment or efficiency of the army. It is also necessary for another purpose: the powers of the Secret Committee have occasionally been used with reference to operations external to India; such, for example, as the China war. It is important that members of the East India Company should know that, in order that they may guard the purse of India, and make the requisite arrangements with the Government of the country, that the expense about to be incurred should be reimbursed. It therefore seems to me to be very important, that though they have no practical power to control the orders, the Secret Committee should know all that is passing.

34. Were any changes made in the home establishment consequent upon the Act of 1834?—Yes, there were changes made; all the commercial servants were reduced, and various offices, having previously a mixed character, partly territorial and partly commercial, were consolidated; such were the general changes that were made.

35. How

35. How is the home establishment now constituted?—There are four distinct departments or offices; the Secretary's, the Examiner's, the Military Secretary's, and the Statistical; there is also a department for the provision and examination of all stores sent to India. The secretary has a deputy, and there are under him six branches: minuting and correspondence, including the financial correspondence, accounts, pay, audit, marine, and will and administration; at the head of each of those branches is an officer, designated assistant to the secretary in that department. The examiner has three assistants and two clerks, all of whom are exclusively employed in the correspondence, a separate department being assigned to each. The military secretary has an assistant, and is charged with the military correspondence. The statistical reporter is engaged in collecting information and furnishing returns. In each office there is an establishment of clerks acting under the chiefs and assistants. There are also extra clerks or writers, by whom the business of copying is performed, but many of them are frequently or regularly engaged in duties of a higher character.

36. Mr. *Vernon Smith.*] In the early part of your examination you spoke of the alteration made by the Act of 1834 in the constitution of the voters and of the Directors, and you stated that the voters as well as the Directors were more connected with India than they had been before; will you be kind enough to explain what you meant by the expression "connected with India"?—I mean persons who formerly resided in India.

37. Do you carry it beyond that; do you mean persons connected by family with those who have resided in India?—No, I mean persons who have been resident in India.

38. You said that all money grants had been subject to the Board of Control since 1834, and you added, in a subsequent part of your examination, "the proportion of what are known by the name of 'P. C.' papers, which were altered by the Board of Control, having been sent up by the Court of Directors;" can you state the proportion of money grants that have been proposed by the Court of Directors, and have been rejected or diminished by the Board of Control, since 1834?—I have not that information with me, but I can furnish it.

39. In speaking of the attendance of the Directors of the Court you stated that it averaged upwards of 20; may I ask you whether the emoluments of the Directors in any way depend upon their attendance, or are the Directors paid by salaries?—The Directors have a system of fine among themselves; a Director is charged for non-attendance, and the aggregate of these fines is divided at the end of the year among the Directors, in the proportion in which they have attended.

40. Then a Director has a direct pecuniary interest in attending?—Yes, but it is very small; quite insignificant.

41. Mr. *Hume.*] What is the amount of the fine?—The fine is 10 *s.*

42. Mr. *Vernon Smith.*] You have told the Committee what the appointments are that are in the hands of the President of the Board of Control, viz. the bishops and the judges; there are, besides those, many minor appointments in the hands of the President of the Board; are those by courtesy or by law, for instance, writerships and cadetships?—By courtesy; it is the practice of the Court of Directors to allot to the President of the Board a share of the patronage equal to that which is given to the Chairman.

43. But that is entirely at the discretion of the Court of Directors?—Entirely.

44. But the practice of the Court in that respect has been invariable?—It has.

45. In transmitting despatches from the Court of Directors to the Board of Control, you have stated that in ordinary cases the time that elapsed was sometimes as much as six or eight months; and you stated subsequently that that delay occurred, not from the necessity of sifting the despatches, but from the time occupied by the communications between the two authorities?—What I meant to say was, that by having two authorities to sift the despatches, some delay was caused.

46. When the "P. C.'s," as you call them, are returned unaltered, are they subsequently submitted to the same examination, and returned, in draft, to the Board of Control?—They are returned in draft always to the Board of Control.

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47. Do you consider that necessary?—Yes, I think it is: the "P. C." papers are to be regarded as containing the communications between the President and the Chairman; but there must be some official character given to the approval of the President of the Board, and that official character is only given when the draft has been approved by the Court.

48. You are still of opinion that where there is no difference of opinion between them on the first communication, the same forms should be gone through, and the same delay arise, although no result is gained by it?—The delay arises merely in getting the formal approval of the Board to that which the President has previously approved of; it is only a delay of a day or two.

49. I understand you to say that there was a fortnight's delay after the draft was submitted to the Court of Directors; does that delay occur in all cases, whether the draft is altered or not?—Certainly, because the Court of Directors have not previously had an opportunity of considering the subject, but the general period occupied by the Court is only a week.

50. Then that delay takes place unnecessarily, inasmuch as the decision of the Court might be come to at once?—But it gives to the Court of Directors an opportunity of investigating the question for themselves.

51. I am supposing that there has been a previous communication?—But there has been no previous communication with the Court of Directors until the matter comes before them to be discussed.

52. The matter has already come before the Court?—No, never; the communication upon the "P. C." papers is entirely between the Chairman and Deputy, and the President of the Board.

53. Mr. *Hume.*] In the questions that have been put to you it appears to be assumed that great delay takes place after the papers are submitted to the Court of Directors; but, in fact, there is no delay at all, the papers are returned immediately?—Yes; the Court taking only a week for consideration.

54. Mr. *Wilson.*] The "P. C." papers come before the Court of Directors for the first time, and they have had no opportunity whatever previously to that of considering the subject?—No.

55. And therefore it is quite necessary, when the papers are returned by the Board of Control, that they should have an opportunity of considering them, as they must have in every case, and of giving their assent or dissent?—Certainly.

56. Mr. *Hume.*] Does not the opportunity which the Chairs have of communicating personally with the President of the Board tend to prevent delay, by removing, by explanation, little differences which might arise from want of explanation?—Certainly.

57. And after that conference, which occupies one or more days, according to the nature of the circumstances, the "P. C." put upon the papers shows that both the Chairs and the President of the Board have concurred?—Certainly.

58. And no delay after that takes place, but the papers are laid by the Chairs before the Court of Directors for their consideration?—Exactly.

59. Mr. *Wilson.*] In fact, delays can only occur where there are differences of opinion which require discussion?—The only delay that occurs in the despatch is the delay occupied in the preparation and consideration of it.

60. In whatever way the business is done some time must be occupied; but the adoption of this particular mode leads to no material delay usually, except where there is a difference of opinion which leads to discussion?—Exactly.

61. Mr. *Herries.*] Delay must occur on account of the voluminous character of almost all the despatches, and also the great number of subjects to which they relate?—Yes.

62. There must necessarily be delay in the examination of the papers, both by the Court of Directors, and also by the Board of Control?—Certainly.

63. In your evidence you adverted to the fact, that the Court of Proprietors had power to call for all papers; might not that lead, and practically do you know whether it has led, to any inconvenience; inasmuch as a portion of the papers which pass through the Court of Directors are of a secret character, has the Court of Proprietors the power of requiring the production of those papers which are in the Secret Department, and which would disclose the policy of the Government?—They cannot call for any papers which are in the Secret Committee, because those papers are not before the Court of Directors; but if the Secret

Committee have communicated the papers to the Court of Directors, then the Court of Proprietors may call for them.

64. In what way are the despatches which pass through the Secret Committee recorded; copies, you say, are kept; where are they deposited?—They are deposited with the examiner, who is clerk to the Secret Committee.

65. Viscount *Jocelyn.*] And a sworn officer?—Yes.

66. Mr. *Hume.*] Are we to understand you to say, that all papers in the Secret Department remain in the Secret Department until the Board or the Chairs fit to lay them before the Court?—Yes.

67. And as soon as any such paper is laid before the Court of Directors, the Court of Proprietors may call upon the Directors to produce it?—Certainly.

68. May not the Court of Directors refuse to produce it, if the Chairs shall say that they think it right that the paper should not be produced?—In that case the Chairs would object to the motion for papers in the Court of Proprietors.

69. Has that occurred, to your knowledge?—Yes.

70. The Chairs have objected to the demand of the Court of Proprietors, as involving an unfair disclosure?—They have.

71. Mr. *Herries.*] Would that declaration on the part of the Chairs avail against the vote of the Court of Proprietors?—No, it would not, but it generally avails to prevent the vote being come to.

72. Sir *E. Colebrooke.*] Is there not, generally speaking, a disposition on the part of the proprietors to act upon the opinion of the Chairman and Deputy Chairman as to the expediency or inexpediency of the production of any papers?—Yes, I think there is.

73. Have you known of any instance of the Court of Proprietors acting very strongly against any decided opinion of the Court of Directors?—Not in regard to the production of papers.

74. Have you in any other cases?—I think there have been such cases, but they are of very rare occurrence.

75. But generally the Court of Proprietors show great deference to the opinion of the Directors?—I think they do.

76. Do you think the number of the Directors, according to your experience, has been any practical obstacle to the despatch of business?—I think not.

77. The attendances of the Directors are very numerous; when the despatches are laid before them and discussed at length, in your opinion, that has not led to any long discussion or any practical difficulties in the administration?—There are occasionally long discussions and long sittings, but I have not observed any inconvenience to result from that.

78. The practice of dividing the Court into separate committees of course facilitates the business, and prevents those long discussions when the matters come before the Court?—Yes it does, very much.

79. When despatches are laid before the Court, I presume deference would, generally speaking, be shown to the opinions of the separate committees?—A certain degree of deference is shown; but I think the individual Directors exercise their own judgment.

80. With regard to the Secret Committee, you have stated that there is an advantage in the despatches going through the Secret Committee of Directors, viz. that the Court becomes generally acquainted with the course taken by Her Majesty's Government; would not the same advantage arise if the Government decided the question upon its own responsibility, and sent out the despatch signed by the President of the Board, merely communicating that fact to the Court, or to the Secret Committee of the Court?—The same advantage, in point of information, would be possessed by the members of the Secret Committee; but I never supposed it possible that the Court of Directors were to be made acquainted with what passed; my idea was, that the members of the Secret Committee, being members of the Court of Directors, should know all that passed, in order that they might watch the proceedings with the jealousy which became them as the guardians of the privileges and purse of the Company.

81. Would not they watch these proceedings with the same effect if the despatch were merely communicated to them, without their being obliged to sign a despatch from which they may differ *in toto*?—Certainly, the same amount

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of knowledge would be possessed by them, whoever signed the despatch; but there is a constitutional objection to anybody signing a despatch to the Government of India but the Court of Directors, or some members of that Court.

82. In your experience, has the interference of the Secret Committee in the affairs of India been limited exactly to the cases specified in the Act of Parliament?—The Committee are aware that every officer of the Secret Committee is sworn.

83. You stated that it was confined to cases referring to war and peace, treaties with states, and the general policy to be observed with those states; is it not the case that the administration of the government of Scinde was retained in the Secret Department for several years?—When a new province is acquired as the result of military operations, the record of those operations having been conducted in the Secret Department, it follows that, for some time at least, the proceedings consequent upon the acquisition continue in that department, and it is difficult to define the precise period when they should cease to be so.

84. Can you state for how long a time the administration of Scinde was retained in the Secret Department?—To the best of my recollection it was for two or three years.

85. And it was during that time actually annexed to the British Empire, and the government of it was administered in the same way as any other province of the British Government?—Not exactly in the same way as any other province; the government was administered under the military authorities.

86. Viscount *Jocelyn.*] The regulations of the East India Company were not applied to that province?—No.

87. Sir *E. Colebrooke.*] No remonstrance was made during that time against its being retained in the Secret Department?—I am not aware that any formal remonstrance was made; it was the subject of conversation.

88. You have stated that the powers possessed by the Court of Directors are very large, and that they have very decided powers, especially the power of originating grants; will you state, from your experience, whether the weight that belongs to the Court from its being composed of a great number of distinguished members of the public service in India, as well as from their general knowledge of India, does not practically give very great power to the Court in their communications with the Board of Control?—I think it must have a material influence.

89. And it is a very important element in their power?—I think so.

90. Viscount *Jocelyn.*] In the former part of your evidence you stated that you considered, that provided the Secret Committee strictly confined itself to the subjects specified in the law, no injury was done to the public service; I wish to ask you, upon that point, whether you consider that there have been matters which the Secret Committee have kept to themselves which were not specified in the law?—There have been occasionally matters which have been kept perhaps too long in the Secret Committee, but I have seen no disposition on the part of the Board to transgress the limits of the Secret Committee; there have been matters occasionally which have been kept a little too long, which were secret, but in which the necessity for secrecy had ceased.

91. Who is the authority to decide when a matter becomes no longer a subject for the Secret Committee, but ought to be given to the public?—That rests with the Secret Committee and the President of the Board; the Secret Committee may apply to the President of the Board for permission to communicate the papers to the Court of Directors, and the President of the Board may either acquiesce or refuse, in the exercise of his discretion; if the Secret Committee do not make any such application to the President of the Board, and the subject is one which he thinks ought to be communicated to the Court, he volunteers the communication.

92. Mr. *Labouchere.*] Do you think that the evil of keeping matters for too long a time in the Secret Department has prevailed to an inconvenient extent?—I am not aware of any serious inconvenience having resulted from it.

93. Viscount *Jocelyn.*] Have you known any instances of it?—A case was mentioned by a member of the committee; the Scinde papers were kept, perhaps, too long in the Secret Department.

94. Mr. *Hume.*] Did the Court make an application that those papers might be communicated to them?—I do not remember any formal application; the

Chairman

Chairman was frequently questioned upon the subject, and I have no doubt that he communicated that to the President of the Board, and that the result of that was, that the Scinde administration, which had been kept in the Secret Committee, was made over to the Court.

95. If any application had been made in the Court, would it have been communicated to the President of the Board?—Certainly; I have no doubt that the Chairman, in his interviews with the President of the Board, would state any question that had been put to him upon the subject in the Court, and his anxiety on the matter.

96. Any communication that has occurred, in which members of the Secret Committee have applied for permission to lay the facts before the Court, would be a verbal communication?—Yes, unless formally made.

97. Viscount *Jocelyn.*] How long were the papers kept in the Secret Committee?—Two or three years.

98. How long after the close of the war?—I think for two or three years, but during that period there were many political negotiations passing which it might have been necessary to keep in the Secret Committee, the more especially as Scinde was then under martial law.

99. Can you state what has been the practice pursued in similar cases; take the case of the Punjaub; how long were the matters relative to the Punjaub kept in the Secret Department?—After Lord Hardinge's first arrangements in the Punjaub, the details of administration remained for some time in the Secret Department, as the British Government was then acting on behalf of the Lahore Durbar.

100. Are they in the Secret Department at present?—No; they have been communicated.

101. When were they communicated?—When they were laid before Parliament; the arrangements under which the Punjaub has become a part of the British territory were then communicated for the first time, and all the arrangements, except such political arrangements as are of a secret character, were then communicated.

102. Can you state to the Committee how long the Affghanistan papers were kept in the Secret Department?—I think during the principal part of the time that Affghanistan was occupied, so far as respects the details of correspondence, but all the papers relating to military operations were communicated on the termination of hostilities.

103. Mr. *Hardinge.*] Has it not been an advantage to the country to confide such matters as regard the administration of a newly-conquered province to the Secret Committee?—Immediately on its conquest it is an advantage, but it is a question to what extent it should be carried.

104. Do not you conceive that a great advantage has accrued to the public service from keeping such subjects for a considerable time within the province of the Secret Committee?—Provided they are not kept too long secret.

105. Mr. *Wilson.*] No general rule can be laid down, but it must be a matter of discretion with the authorities for the time being, upon whose responsibility the communication is to be made?—Certainly.

106. Mr. *Herries.*] I understood you to say, that all despatches to India originated in the Court of Directors except those which were transmitted through the Secret Committee by the Board of Control; is there no case in which the Board of Control directly communicates with the Court, and originates directions to India by recommending to them to adopt this or that line of policy or finance; has the Board of Control no power of originating directions to India except in the case of what occurs through the Secret Committee?—The Board of Control has, as I explained to the Committee, the power of directing the attention of the Court to any case in which the Board may think that orders ought to be given; upon receiving an intimation of that kind, the Court of Directors are bound to prepare a despatch upon the subject, and to send it to the Board; if they fail to do so within 14 days, then, and not till then, are the Board authorized themselves to frame a despatch.

107. I understand you to state that a power exists in the Board of Control of directing, by a communication to the Court of Directors, the adoption of any line of policy, not in the Secret Department only, but in regard to the general policy of administration of the affairs of India?—I think the Board may, under the enactment which I have mentioned, desire the Court to frame a despatch upon a

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particular subject, but constitutionally I think the power of the Board would stop there, and that without expounding their own views they must wait till they got the despatch of the Court of Directors, when they would alter it as they might think fit.

108. It is then your opinion that all such despatches should originate with the Court of Directors?—I think so.

109. Mr. *Labouchere.*] Do you mean to say that the President of the Board, if he thought fit, might strike his pen through the whole of the despatch sent to him by the Court of Directors, and write an entirely new despatch?—Yes, but he must give his reasons at large for doing so.

110. Viscount *Jocelyn.*] And the Court of Directors might record their dissent?—They might.

111. Mr. *Wilson.*] I believe there is only one case in which a despatch can possibly originate with the Board of Control, and that is provided for by the Act of 1834. In the event of the Court receiving a communication either at home, or from India, and failing to reply to that despatch or letter, after having been required by the Board of Control to frame such a reply or despatch within a certain time, it is competent for the Board to originate a despatch upon the subject, but in no other case?—Yes, and under that enactment the Board are not restricted to cases which may arise out of correspondence with India, but the Board may give instructions to the Court to prepare a despatch upon any given subject connected with the administration of India.

112. Mr. *Labouchere.*] And if the President of the Board of Control does not approve of that despatch, he possesses the power of altering it as he sees fit?—Certainly, giving his reasons at large, and the Court of Directors being allowed the privilege of remonstrance and dissent if ultimately necessary.

113. Mr. *Wilson.*] If the despatch is not prepared according to the request of the Board, they have the power of originating a despatch?—They have.

114. Sir *J. Hogg.*] The power of the Board is to suggest the subject, but not the manner in which that subject is to be dealt with?—Clearly.

115. When the Court of Directors have prepared the despatch in question, at the suggestion of the Board of Control, the Board have the same power over that despatch which they have over any other despatch which originates with the Court, and neither more nor less?—Clearly so.

116. Viscount *Jocelyn.*] The Court have only a power of remonstrance against that despatch; the despatch must be transmitted to India?—Certainly.

117. Sir *R. H. Inglis.*] You have stated that the Secret Committee consists of the Chairman and Deputy Chairman, and another Director, usually the senior Director. By the expression "usually" it is implied that occasionally some other than the senior Director is chosen. Will you state to the Committee whether that inference is correct, and whether you conceive that there ought to be such a discretion on the part of the Court to enable them to supply the place of the senior Director, who might not possibly be as competent as some other member of the Court to discharge the functions of the Secret Committee?—The Court of Directors ought, I think, to have the power of selecting the person to be upon that committee, but the rule is almost invariable of taking the senior member, together with the Chairman and Deputy.

118. The excepted case is made under the distinct impression that the senior member of the Directors is not one in whom the same confidence can be reposed as in the gentleman who is substituted?—It is only under that impression that any deviation from the rule would be made.

119. You conceive that the Court have a discretion to elect any Director as the third member of the Secret Committee?—They may elect whom they please; they are not bound to elect even the Chairman or Deputy Chairman for this Secret Committee; the Act merely says that there shall be three members on the committee.

120. Mr. *Hume.*] In reference to the question which I put to you respecting the period for which the proceeding with Affghanistan had remained in the Secret Department, are you at liberty to state what the length of time was?—I should feel at perfect liberty to state it, if I were aware of the time; but I am afraid of misleading the Committee.

121. Can you state to the Committee the period which elapsed between the date of the orders that were issued by the Board to the Secret Committee to commence the hostilities which took place in Affghanistan, and the time when

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the result of those hostilities was communicated to the Court of Directors?—I am not aware that there were any such instructions to the Secret Committee.

122. Can you state when the first despatch, announcing the commencement of hostilities in Affghanistan, arrived in this country?—I can give the date of that.

123. Do I understand you to say that the operations against Affghanistan were commenced and completed, and all the expenses incurred, before the result was communicated to the Court of Directors, as a Court?—I believe that to have been the case.

124. Mr. *Cobden.*] I understood you to draw a distinction, in speaking of the powers of the Court of Directors and the Board of Control, as to business which was called secret, and that which was of a more public character; I understood you to say, that in the business called secret the Board of Control had the absolute power of giving orders which the Secret Committee of the Court of Directors was bound to carry out?—That is the case.

125. Who has the power of deciding what shall be called secret, and what shall be called public business?—The Act of Parliament defines it.

126. Mr. *Hildyard.*] But who has the discretion of determining to what the Act of Parliament applies?—If the members of the Secret Committee were to observe any proceeding or order of the Board that was beyond their competency or power, it would be the duty of the members of the Secret Committee to point that out to the President of the Board, and to say, "We can be no parties to this transgression of the law."

127. Mr. *Cobden.*] I understood you to say, that declaring war, or annexing territory, were within the provisions of the law?—Yes.

128. Supposing the Board of Control were, by a secret despatch, to order that the present Governor of Bombay should be suspended, or that any of the chief functionaries of the Government should be suspended from their offices, would that be within their power?—Certainly not.

129. *Chairman.*] In case the Secret Committee conceives the orders of the Board of Control to be illegal, a reference is made, as you said before, to three Judges?—No; that is in cases in which the Court of Directors may consider that the orders given to them are contrary to law. The object of that was to prevent what are called mandamus cases.

130. Has the Secret Committee any power of appeal in such a case?—The Secret Committee would not be entitled, in my judgment, to sign anything beyond their powers, as limited by law. If the Secret Committee should receive a despatch from the Board to the Government of India not within their legal competency, and should be so advised by the Company's standing counsel, they would say to the President of the Board of Control, "We decline to sign this despatch."

131. What would be the result of that?—It could not go.

132. Viscount *Jocelyn.*] Is the standing counsel sworn?—Yes, he is sworn.

133. Mr. *Hume.*] He does not form part of the Secret Committee?—No; but the Act of Parliament authorizes the Secret Committee, with the consent of the Board, to administer an oath to such of the Company's officers as may be named; and the consequence is, that several of the Company's officers, including their law officers, have taken that oath.

134. *Chairman.*] If the Secret Committee refuses to transmit the despatch, has not the Board of Control a right to send that despatch itself?—Certainly not.

135. Therefore the despatch cannot go without the assent of the Secret Committee?—It cannot; it is an extreme case; I have known instances in which the Secret Committee have pointed out to the President of the Board matters that did not properly belong to them, and he has given way.

136. Mr. *Herries.*] The only objection that the Secret Committee can make is, that the orders so given are not within the provisions of the law?—Exactly.

137. They cannot object on any other ground?—Certainly not.

138. Mr. *Cobden.*] In all cases of declaration of war it is within the power of the Board of Control to act through the Secret Committee, without the concurrence of the Court of Directors?—Yes.

139. Then orders might be sent out by the President of the Board, through the Secret Committee, to annex the Burman empire to India?—Yes.

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140. Or the Chinese empire?—Yes.

141. Without the English people knowing anything about that order?—The Court of Directors could not know it.

142. How are the English people to know it, if the Court of Directors do not know it?—Till it comes back from India, till it is a *fait accompli*, or the result of the orders is ascertained, they cannot know it.

143. In the case of the Affghan war, I understood you to say that it was two or three years before the English people knew the causes of the war?—The declaration of the Governor-general was made public on the termination of the first operations.

144. I understood you to say that ordinary business sent home from India for revision in England takes six or seven months to be completed?—Yes.

145. Am I to understand you to say that that is six or seven months from the time the despatches leave India and return again, or are the papers six or seven months in England?—They are six or seven months in England.

146. Does that apply to the ordinary business of the Indian Government?—Yes, to cases in which the home authorities exercise a revision; but I wish to impress upon the Committee, that in instances in which the Government of India have a suggestion to make to the Home Government, and want their opinion quickly, those cases are taken out of the ordinary routine, and disposed of immediately.

147. In five months?—Even in less time than that; they are received in India within six months at the most from the date of the reference, and often sooner.

148. I understood you to say, in explanation, that as the business which comes home from India for revision is not, generally speaking, interfered with or altered by the Home Government, much inconvenience does not arise from the delay?—No; what I meant to say was, that being a revision of things which had been done, there was not the same inconvenience that would arise if it were business waiting the result of the reference.

149. Are those decisions of the Indian Government which come to England for revision acted upon in India upon the assumption that they will not be at all interfered with or altered?—That is the case; a great part of the Government of India is done in India, and revised at home.

150. The Government of India proceed to act upon its own decision, assuming that the acts they do will be authorized when the papers arrive in England?—Yes.

151. I understood you to say that each act of the Indian Government which came to England for revision remained here for six or seven months?—I stated that that was the time occupied in the preparation and consideration of ordinary despatches.

152. Does that delay arise from the business being in arrear, or because, owing to the form of proceeding at the India House, you require six months to pass an act of revision through the necessary stages?—I think, necessarily, there must be a considerable time occupied; the proceedings that come home are very voluminous. Take the whole of the revenue administration, for example; all the arrangements that are made with respect to the assessment of the land revenue, and all the details of those arrangements, and the discussions that have passed upon them, are reported to the Court of Directors, and the whole of the proceedings come in review before that Court.

153. I will take one individual case, and I ask, whether this case coming here for revision occupies six or seven months because you have an arrear of business?—Not because there is an arrear of business, but because of the voluminous nature of the subjects that come before the Court.

154. Surely, unless there were an arrear of business, you might despatch one case in less than six months?—But the despatch which comes home comprises 60, or 100, or 200 cases.

155. You were at the India House at the time when all communications came round by the Cape?—Yes.

156. At that time, to communicate with India and receive an answer would have taken, upon the average, probably four times the period it takes now?—Yes.

157. Has the mode of transacting business at the India House with the Indian Government been accelerated since the time that the communication has been opened overland with India?—Decidedly it has.

158. Then

158. Then in former times the average time occupied in revising the acts of the Indian Government was more than six months?—Yes, it was.

159. As we get railroads across the Isthmus of Suez, and across India, do you think it will be possible still further to accelerate the transaction of business at the India House?—As far as my experience has gone, every acceleration of the mode of communication has had the effect of accelerating business at the India House.

160. Mr. *Hume.*] Taking those cases of urgency to which allusion has been made, namely, military despatches, are you able to state that frequently they are not kept waiting even till the Saturday comes round; is it not the fact that the Chairs often, before the Saturday, require a conference with the Board, in order to accelerate that business, and that within a very few days, or by the first opportunity, the military despatch is sent out?—The military correspondence is conducted with marvellous promptitude; there are exceptions, but, generally speaking, the replies to military despatches are sent from this country within three, or at most, four mails after they are received here, and often by return of post.

161. The Committee are to understand that in the case of despatches on revenue and judicial and general business, the greater part of which is, in fact, done by the Government of India, and merely requires revision here, six months elapse on the average, some of those being matters that require serious consideration how far the plans that have been adopted and carried on there are fit and proper?—Yes.

162. But in all urgent matters, in which naval or military operations are concerned, the acceleration of the communication has now enabled you to communicate with India in a very few days, or, as you have now said, by return of post?—Yes, it has.

163. Mr. *Herries.*] In the case of secret correspondence, such as Mr. Hume has alluded to, is it not the fact that the answer is often made instanter in a secret despatch, so that the answer goes out by the ensuing mail?—Certainly, that is the case in the Secret Department.

164. In a recent instance, where a despatch was received with reference to Rangoon, the answer of the Government went out within one mail after the secret despatch was received from the Governor-general?—It did so.

165. Viscount *Jocelyn.*] Take the military despatches of 1851; do you believe that all the military despatches of 1851 have been replied to?—Yes, and the financial despatches too.

166. Mr. *Herries.*] To revert to the topic of the despatch to the Secret Committee not coming within the provisions of the law, the remedy in that case, if I rightly understood your previous statement, would be, that that not being within the provisions of the law with respect to the Secret Committee, the Board of Control would address a communication upon the particular subject to the Court of Directors, upon which the despatch would be prepared, and then it would go forward in the usual course?—Certainly.

167. *Chairman.*] The Court of Directors might then appeal to the three Judges?—It does not follow, because it was out of the province of the Secret Committee, that it was out of the province of the Court of Directors.

168. Mr. *V. Smith.*] The Secret Committee cannot appeal to the three Judges?—No; the Court of Directors can.

169. On the Secret Committee refusing to comply with the direction of the Board of Control, the President of the Board of Control may give the same orders to the Court of Directors; but supposing that the Court of Directors refuse to comply with his directions, what happens?—The Court of Directors can only refuse upon the ground of its being illegal, and then they may refer to the three Judges.

170. Sir *E. Colebrooke.*] With reference to the delay which has arisen from the discussions in this country, do not those discussions, by checking the power which the Board of Control and the Court of Directors have, rather add to the power and discretion of the local Government?—I should think the more the orders from home are deliberately framed, the more likely they are to commend themselves to the attention of the local Government.

171. If the whole power of the Home Government were held by a Secretary of State, or by the Court of Directors, independently of the Board of Control, do not

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not you suppose that it would practically lead to very much greater interference with the details of the Government in India than takes place at present?—I do not know whether it would lead to greater interference with the details of the Government of India than at present, but I think the change would be mischievous.

172. In addition to the power exercised by the Board of Control in retaining subjects in the Secret Department, do the local Government exercise a similar power by addressing the Secret Department?—The Government of India have, by statute, the power of addressing the Secret Committee upon any subject connected with the Government of India that they consider it right to keep secret. The Government of India have the power, by express statute, of taking any communication that they think it important to keep secret, and sending it under cover to the Secret Committee, and the Secret Committee are to send that to the Board of Control; but the Secret Committee are not required to keep any despatch secret which does not relate to subjects within the limits of the Secret Committee.

173. Is that power largely exercised?—It is not.

174. Has any collision ever arisen between the Secret Committee and the Court of Directors in consequence of both bodies addressing the local Government on the same subject?—No, I think not; the Secret Committee themselves, and the Board of Control, would take care that the collision did not take place.

175. With regard to the right of voting of the proprietors, do you think the change which took place under the Act of 1834 was an improvement in the system?—It has practically enabled the proprietors to exercise their privilege; it certainly was an alteration of the system, because, instead of the voting being altogether secret by ballot, it was partially secret and partially open. I am not aware that any inconvenience has resulted from it.

176. Has not the power of voting by proxy prevented combinations among a small number of voters in order to carry a particular object?—I am not aware that it has.

177. Have you any suggestion to make with regard to an improvement of the system of voting?—No.

178. Do you think it would be an advantage to allow civil and military servants of long standing to vote without being holders of stock?—I do not.

179. Mr. *Cardwell.*] What separates, from the general correspondence relating to India, that part which is attended to only by the Secret Committee?—The act of the Government of India, or the act of the Board of Control.

180. When the despatch originates in India, the Governor-general may address it especially to the Secret Committee?—He may.

181. Have other persons the power of doing so?—The Governors of Madras and Bombay have that power.

182. Mr. *Hume.*] What, in your opinion, would be the effect of giving power, under the Act, to the Secret Committee to make any communication, upon any question of war or otherwise, which is now kept secret for a considerable period. Do you think that a power might be given to the Secret Committee to make a communication in such a case to the Court of Directors, in order that they might have their opinion on any matter which they considered affected the finances or general interest of India, and of which they are considered in England the immediate guardians, and that such power, if given, would be exercised with safety, so as to prevent the large expenditure going on for the period that it has done without the knowledge of the Court?—There are cases in which that power might be very safely exercised; but I have, I confess, great doubts whether it should be given generally.

183. Do you not consider that a discretion might be given to the Chairs and the third Director, forming the Secret Committee, in every case, and that it would be attended with advantage?—I think it would be desirable that it should be given also to the Government, who should go along with them in the exercise of that discretion, as at present. I should be afraid of a division of responsibility in those very important cases.

184. Mr. *Wilson.*] You have been asked questions as to the power of the President of the Board of Control with reference to instituting proceedings of war and peace, and particularly with reference to the Affghanistan war; and also whether the President of the Board of Control has not the power to send out

out directions to annex the Burmese empire or the Chinese empire to our Indian territories; if the President of the Board has that power he has that power as a member of the Cabinet, and he is responsible to Parliament for the exercise of that power?—Certainly.

185. There is nothing peculiar in his power with reference to that matter, as contradistinguished from the power which a Secretary of State, or the head of any other department of the Government possesses?—I think not.

186. He is simply a Minister of the Crown, responsible to Parliament for the exercise of his power?—Exactly.

187. The power that he has with regard to India, in communicating the policy of the Cabinet to the Governor-general through the medium of the Secret Committee is, in fact, exactly similar to the power of the Secretary of State for the Colonies in communicating the policy of the Cabinet to the governor of a colony as to peace or war?—Yes, it is exactly similar, except that it is done through the Secret Committee.

188. But the Secret Committee is merely the medium of communication?—Yes; but I presume that the President of the Board always consults the Board, or the Cabinet.

189. The Government of the day are responsible for the acts of the President of the Board of Control, as a Minister, in the same way as they are responsible for the acts of any other officer of state?—Certainly.

190. Mr. *Herries.*] You are, in point of form, acquainted with all despatches which go out under the orders of the President of the Board of Control; are they generally signed not only by the President, but by one other member of the Board or by a Secretary of State?—I understand that to be the case.

191. So that you have the signatures of the members of the Government to all despatches that go out?—The Board have.

192. Mr. *V. Smith.*] I wish to ask one question with reference to the transaction of business between the Board of Control and the Court of Directors; you are aware that there is a proviso in the 30th section of the Act of 3 & 4 Will. 4, which enables the Board of Control to make minutes as to certain official communications which may be sent out by the Court of Directors, without reference to the Board, or without being on record; are you aware of any minutes that have been so made?—Yes, there was a correspondence with the President of the Board of Control upon the subject, and the arrangement under which we now act was the result.

193. What did that lead to?—Every thing is generally sent to the Board, except routine cases, which are merely carrying into effect the rules to which the Board have been before parties.

194. Mr. *Wilson.*] There is one of your former answers, which, as it now stands, I think will be hardly clear, and therefore I will put a question upon it; in describing the despatches which came home, you said that they were frequently of a voluminous character, and that they contained copies of former correspondence; are we to understand you to mean, that the Government of India send home all the correspondence which has taken place upon the same subject, prior to the writing of that despatch?—Yes; I meant to say, not only the correspondence which is incident to or has given rise to that despatch, but all that has passed previously upon the same subject.

195. Is it not the case, that with the despatch there is sent from India the collection of papers to which you refer, and which you say are of a voluminous character, containing every despatch or letter or report that has been written by the various local officers in different parts of India on that subject, which are accumulated in the head office of the Government in India?—Yes, that is the case.

196. The whole of these reports and despatches from the local officers in India accompany that despatch?—Yes.

197. That adds to the voluminous character of the despatches, and to the length of time required to examine them?—Yes, it does.

198. But it affords the home authorities a great amount of information, which enables them to come to a conclusion, which otherwise they could not so well arrive at?—Certainly.

199. Sir *J. Hogg.*] The Government of India, in reporting to the Court of Directors any orders they have issued, or any act they have done, transmit with

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their despatch all the documents, papers and reports upon which their judgment was founded?—They do.

200. So that the home Government, in revising the decision, have before them all the grounds and all the reasons which induced the local Government to arrive at that particular decision?—They have.

201. Mr. *Hume.*] And in case the members of the Government in India disagree on any subject, and record their dissent, the Government at home have the dissent of the members expressed at the time the matter came before them as part of the proceeding?—They have.

Martis, 4° die Maii, 1852.

MEMBERS PRESENT.

Mr. Baring.	Mr. Baillie.
Mr. Herries.	Viscount Jocelyn.
Mr. Hardinge.	Lord John Russell.
Mr. Labouchere.	Sir R. H. Inglis.
Mr. Cobden.	Mr. Plowden.
Sir James Hogg.	Sir Edward Colebrooke.
Mr. Hildyard.	Mr. Gladstone.
Mr. Hume.	Viscount Mahon.
Mr. Spooner.	Mr. V. Smith.
Mr. Bankes.	Mr. M. Gibson.

THOMAS BARING, Esq., IN THE CHAIR.

James Cosmo Melvill, Esq., called in; and further Examined.

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202. *Chairman.*] YOU have stated in the course of your evidence the mode in which despatches are transmitted to the Government of India. To whom are they addressed?—To the Governor-general of India in Council, to the Governor in Council of Madras, the Governor in Council at Bombay, and the Governor of Fort William.

203. All despatches are addressed in that mode?—They are.

204. Mr. *Herries.*] Are any despatches addressed to the Lieutenant-governor of the North-western Provinces?—None. The whole of the correspondence with Agra is conducted through the Governor-general of India.

205. Viscount *Jocelyn.*] Are duplicate despatches sent from the separate Presidencies or the Supreme Government of India to the Home Government?—Yes; the despatches from India always come in duplicate; one copy being for the Court of Directors, and another copy for the Board of Commissioners.

206. *Chairman.*] Does the copy for the Board of Commissioners pass through the India House?—It does.

207. Mr. *Labouchere.*] To whom are the despatches addressed?—To the Court of Directors of the East India Company.

208. Mr. *Hume.*] A good deal was said in your last examination about the "P. C." When was that system first introduced?—I think it must have been introduced as early as 1793. At the commencement it was restricted to questions of principle, but gradually it has extended itself to all the details of the correspondence. The title "P. C." used to be a mysterious cognomen not known to the world; the late Mr. Canning was the first who communicated, which he did to the House of Commons, the system of "P. C." in a speech consequent upon a motion made by the late Mr. Creevey regarding the constitution of the Board.

209. Mr. *Herries.*] Did that mode of communication obtain between 1784, when first the Board of Control was appointed, and 1793?—I think not. I cannot speak with confidence, but I have no doubt that communications in the shape of discussions between the President of the Board and the Chairman and Deputy Chairman, previously took place.

210. Viscount *Mahon.*] What trace is there of those previous communications in the year 1793?—I have not myself endeavoured to trace it, but I have no doubt that

that we have the means at the India House of tracing it; because, although the "P. C." is confined to the Chairman and Deputy-chairman and the President of the Board, still the officer in whose department it is retains a record of what passes.

211. Mr. *Hardinge.*] Will you be good enough to state to the Committee whether you think it advisable, in the case of the Secret Committee declining to sign a despatch, that they shall have the power of making an appeal, or of entering a protest upon the Board's orders?—Upon the best consideration that I have been able to give to that question, I can only repeat what I said before, that I do not think it desirable. The Secret Committee have no power to decline signing, if the orders are within the prescribed limits.

212. You stated in your evidence on the former occasion, that the business had more than doubled in consequence of the bi-monthly communications. Has the staff of clerks in the India House increased in consequence?—No, there has been no material increase since 1834.

213. Mr. *Hume.*] How long have you known drafts upon "P. C." remain with the Board before they were returned to the Chairs during the last Charter?—I think, generally speaking, they are returned within three months, and often much sooner than that; but there have been particular cases in which a much longer period has elapsed.

214. Have they ever remained with the Board more than a year?—I should think in extreme cases that has happened.

215. More than a year and a half?—I cannot call to mind any case; a case may have arisen, but it would be known only to the officer in whose department it is.

216. Not knowing the particular instances, you are not able to say how far the public interests may have been prejudiced by that delay of the Board?—I think, as I said before, that whatever delay occurs is in a degree prejudicial, but that there are advantages countervailing arising from the sifting process which the draft undergoes.

217. As you have not charge of that department, you are not able to specify the particular instances in which that long delay has taken place?—I have charge of one department of the correspondence, viz., the Financial, and I cannot call to mind any case in which such a delay has occured in that department. I cannot speak as to other departments.

218. As regards the Political or the Revenue Departments, you cannot say what delay has occurred?—No, I cannot.

219. Mr. *Herries.*] Are you of opinion that those very long delays which do occasionally occur arise from neglect or inattention, or from the difficulty which may attend the decision upon the subject?—I have no idea that they arise from neglect or inattention.

220. Viscount *Jocelyn.*] May not the delay have arisen from a difference of opinion between the Board and the Court of Directors?—That may have caused delay.

221. Mr. *Herries.*] There are some questions of so much difficulty that they require considerable time to deliberate upon?—There are. A case of that kind is before the Committee, respecting the North-western Provinces. From the extensive nature of the subject, and the necessarily voluminous nature of the details, I believe the despatch had been a long time before the Board in "P. C."

222. *Chairman.*] Are you acquainted with the system of patronage in filling up appointments to the services in India?—Yes, I am.

223. What is the number of appointments usually made?—Upon the average, since 1834-35, there have been 35 civil appointments in each year, 286 cadetships, 44 medical appointments, and 9 Indian Navy appointments.

224. Mr. *Labouchere.*] Do the numbers vary much from year to year?—I can give the Committee the details; I have them in my hand.

[*The Paper was delivered in, and is as follows:*]

YEARS.	Writerships.	Cadetships, including Seminary Appointments.	Assistant Surgeons.	Indian Navy.
1834–5	28	168	28	—
1835–6	28	196	28	—
1836–7	26	252	56	—
1837–8	56	196	56	—
1838–9	56	224	56	—
1839–40	56	364	56	—
1840–1	56	596	84	28
1841–2	28	266	42	28
1842–3	28	420	28	—
1843–4	28	252	28	—
1844–5	28	448	56	28
1845–6	28	336	84	—
1846–7	28	280	28	28
1847–8	28	252	56	—
1848–9	28	224	—	28
1849–50	28	252	28	—
1850–1	28	196	28	28
1851–2	56	224	56	—
TOTALS	642	5,146	798	168
Average per Annum	35 $\frac{2}{3}$	286	44 $\frac{1}{3}$	9 $\frac{1}{3}$
		375 $\frac{1}{3}$		

225. *Chairman.*] Will you explain how, and to whom, the patronage of the civil, military, naval and medical appointments as writers, cadets, midshipmen, and assistant surgeons is distributed?—The Act of Parliament has provided that no larger number of appointments shall be made than the service requires. An estimate of the wants of the service in each branch is made annually, and upon that estimate the number of appointments is fixed. The total number is divided into 28 portions, of which two go to the Chairman, two to the Deputy Chairman, one to each of the remaining 22 Directors, and two to the President of the Board of Commissioners. That relates to the whole of the patronage.

226. Are the appointments all filled up within the year?—Not all; an allowance is always made for a few appointments remaining unfilled at the end of the year. In making the estimate, we find that a few appointments remain unfilled, and we allow for some remaining unfilled at the end of the coming year.

227. Are estimates forwarded to the Court of Directors from India of what is necessary for the service?—The calculation is made in England of the military, medical, and naval appointments. Of the civil appointments an estimate comes from India, under the last Act of Parliament.

228. Mr. *Herries.*] Upon what ground do the authorities in this country who prepare the estimate proceed?—We take the latest intelligence which we have of the effective list of each class of servants, and compare it with the establishment, and then we allow a per-centage of casualties for the ensuing year, and thus arrive at the result of the wants of the service for that year.

229. Mr. *Hume.*] Do you not from time to time receive from the Government of India a representation of the want of cadets, surgeons, and other officers; and do not these papers assist the Court at home to prepare their estimates?—We occasionally receive from the Government of India representations showing that the establishments are not sufficiently supplied; and, of course, that information assists us in the formation of the estimate.

230. *Chairman.*] Is the proportion which you state is allotted to the Board, by right or by courtesy?—By courtesy.

231. Are the Board parties to the extent of the annual allotment?—Yes; the annual estimate is invariably sent by the Chairman to the President of the Board, and is not proceeded with until we receive from the President his approval.

232. Are the appointments by the Board made in the name of the Board, or in the name of the Court of Directors?—It is the Court of Directors who make all the appointments.

233. Is the power of appointment with the Court at large, or with the individuals to whom the patronage may have been allotted?—With the Court at large; the persons in whom the patronage has been vested present, and the Court, when satisfied that all the regulations applicable to the case have been observed, and that the nominee is duly qualified, formally make the appointment.

234. Do the Court of Directors as a court make such an appointment on public grounds?—They do not.

235. How are claims which may be considered to rest on public grounds met?—By the Chairman, Deputy Chairman, the Directors, and the President of the Board, in the exercise of their individual patronage.

236. Are you prepared to state to what extent such claims are met?—Since the year 1834, more than one half of the civil appointments have been given to the sons of the Company's officers, civil and military. A return of military appointments as yet has only been made out for the last 11 years, and that shows a proportion of one-third of the whole of the military appointments given to sons of the Company's officers, civil and military.

237. In what direction are the remaining appointments given?—Many to sons of officers of the royal army and navy; many to sons of the clergy, and generally to the middle class in this country.

238. Are you aware of any strong public claim which has not been so met?—I am not. If there is any such claim, I am quite satisfied that the rejection of it must have arisen from its not having been brought forward in a proper manner.

239. Has any petition ever been addressed to the Court of Directors upon the subject?—An application has been made that a portion of the patronage should be annually allotted as of right to belong to the army to meet public claims.

240. From whom did that petition proceed?—It proceeded from an individual officer, who collected the names of several officers of the Indian army, who were prepared to concur in it.

241. Does this appear to you to be reasonable and advantageous?—Quite the reverse, I think; nothing, in my judgment, could be more unreasonable than that any class of Her Majesty's subjects should claim as of right to receive certain appointments; it would also be very disadvantageous to the service as a body; any such reserve of appointments could hardly be so great as the proportion that, as I have explained to the Committee, is now given to the service by the exercise of individual patronage; and the difficulty of allotting the same amount of claimants would give rise to jealousies and heartburnings.

242. Has it ever occurred to you that it might be desirable to sell a portion of the patronage on the public account?—I have occasionally heard a question of that kind raised, but the proposal appears to me to be altogether untenable. The sale of appointments on the public account is, I believe, never resorted to by the Government of this country, and as respects the Company's service, the practice would be distinctly opposed to the express provisions of the Legislature (49 Geo. 3, c. 126). The effort of the Court of Directors has been great, and continues to prevent their appointments from being sold. If a portion were declared for sale, I hardly know what security you would have for the continuance of the present system, as respects the remainder; and it appears to me also that such a plan would be opposed to obvious considerations of policy; that its tendency would be to weaken the obligations of duty. A government which sells its offices must not be surprised if some of the persons purchasing those offices deem it legitimate to make more of their appointments than their authorized emoluments. Its tendency seems to me to be also to relax the bonds of subordination. A man who has paid the Government for his office is not so likely to yield implicit obedience as the man who has obtained his office by an act of grace and favour; and further, to require a man to purchase from Government an office or appointment is virtually to reduce the salary or allowances of his appointment. If the Government require such a reduction to be made, it seems to me that it would be far preferable to reduce the allowances directly, and thus place all men in the service on an equal footing.

243. But as commissions are frequently obtained in the Royal army by purchase, what distinction do you draw between the two services?—I am aware of

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that fact, but the purchase is not made from the Government; all commissions or civil appointments granted by the Crown are conferred gratuitously, so far as the Crown is concerned; the Crown requires certain services to be performed, and assigns a certain remuneration for their due performance; but it never, so far as I am informed, requires that the individuals shall purchase the privileges of being so employed; even the fees on commissions, which used to be exacted, have been abolished, and the stamp duty alone is now charged. I am aware that it has been the usage from time immemorial for the Crown to permit officers in the army to sell their commissions, and in consequence a large number of officers purchase into the army, and purchase promotion in it; but the Crown has nothing whatever to do with that, further than to see that the rules for making such arrangements between one officer and another are duly maintained.

244. Do you think that the possession of this patronage gives importance and position to the Court of Directors?—I most decidedly think so; such a body as the Court of Directors, acting intermediately in a political capacity, requires all the aids that can be afforded to it to give it importance in the public eye; and I consider the patronage to be essential in this respect. Besides which, it constitutes almost the only reward for the devotion of talent and time on the part of the Directors to the public service; and it seems to me also that it has a tendency most beneficial to the service by keeping up a sympathy between the persons employed in India and their employers at home, to whom the information derived from the local experience of those persons abroad must be of the greatest possible use.

245. Are you of opinion that the exercise of patronage by the Court has been upon the whole judicious and satisfactory?—Yes, I think so; there may be, and doubtless have been exceptions; but, generally speaking, my observation has shown to me that by far the major part of the Directors regard their patronage as a serious trust, and I frequently have witnessed a generous pride in bestowing it upon persons who, in the different spheres in which they might move, seemed entitled to consideration.

246. Do you think that the same advantages would arise if the patronage were transferred to the Queen's Government?—I think not; it may be presumption in me to say so; but it appears to me that apart from any objection affecting this country, it would be impossible, if the patronage were in the hands of the Queen's Government, to prevent party and home politics from exercising a most pernicious influence on the administration of affairs in India.

247. My questions have hitherto referred to the nominations of writers, cadets, and assistant-surgeons. Are there any other appointments in the gift of the Court?—There are chaplains, and also volunteers for the pilot service.

248. How are the chaplains appointed?—They are appointed by the Directors in rotation.

249. What number of chaplains are there?—I think the appointments are about eight or ten in the year.

250. The whole establishment of chaplains is of a limited number?—Yes, I think the number is 65 in Bengal, 31 in Madras, and about 25 in Bombay; but I am not quite certain as to the precise numbers.

251. Are those nominations that are made on the recommendation of individual Directors submitted to the Court?—Yes, they are.

252. Subject to what rules?—No person can be appointed as chaplain without the previous approbation, in writing, of the Archbishop of Canterbury or the Bishop of London.

253. How long has that rule obtained?—It dates from the original Charter of the Company.

254. How are the archdeacons appointed?—The archdeacons are now appointed by the selection of the Bishop from among the chaplains upon the establishment.

255. Are they appointed by the Court of Directors?—The chaplains are appointed by the Court of Directors, but the archdeacons are not; they are selected by the Bishop from among the chaplains.

256. How are the volunteers for the Bengal pilot service appointed?—By the Directors, in rotation.

257. Will you inform the Committee as to any specific appointments in the Court's gift by selection from persons already in the Company's service?—The Court of Directors have the power of appointing general officers on the staff of

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the Company's army; they have also the power of appointing the law officers to act at the several presidencies, and they have the power of appointing assay masters for the mint, and marine officers to fill the situation of master attendant at each of the presidencies. I am not aware of any others.

258. Mr. *Hardinge.*] Is not the office of Superintendent of the Indian Navy in their gift?—Yes, that is one of the higher appointments.

259. *Chairman.*] How are the promotions in India made?—They are entirely made by selection by the local Government. The law (53 Geo. 3, c. 155, s. 81) deprives the Court of Directors of any power of interference with the local Government in the selection for offices there.

260. Mr. *V. Smith.*] Have you ever known any natives appointed to the early service of the East India Company, viz., writerships or cadetships?—No, I have not known any instance in which a pure native of India has been appointed a writer or cadet; but the natives have been very extensively employed since 1834 in the administration of India, in the Judicial and Revenue Departments.

261. You state that you have never known a native appointed a writer or cadet; have the Court of Directors laid down any rule upon that subject?—They have not.

262. Have you ever known any instance where they have refused to appoint a native?—Certainly not.

263. Mr. *Labouchere.*] Is there any way of entering into the Indian service, except by being appointed as a writer or cadet?—Not into the regular service.

264. Mr. *Herries.*] The natives are not made covenanted servants?—They are not. There is a distinction between the covenanted and uncovenanted service. The natives enter extensively into the uncovenanted service.

265. Mr. *Labouchere.*] What are the comparative advantages and disadvantages of the covenanted and uncovenanted services?—The advantages are in favour of the covenanted service.

266. Sir *R. H. Inglis.*] You are probably able to state the proportion in which uncovenanted servants of the Company have been appointed from the ranks of the native subjects?—Such a return can be given. There has been a large increase in the present year in the number of such appointments.

267. Previous to the present Charter the number was very small; indeed, up to the year 1830 it was scarcely a measurable number?—That was the case.

268. Mr. *Baillie.*] I understood you to say that you were not aware of any person having a claim upon the Indian Government who was not able to get an Indian appointment?—I stated that I was not aware of any case of an individual having a claim upon public grounds to an Indian appointment who had sought for it, and had failed; and that I apprehended that if there had been such a case, it must have been from his going about it in an improper way.

269. Are there any appointments reserved by the Court for strong public claims of that description?—No.

270. How are such claims met if there are no appointments reserved to meet such claims?—The party would go to the Chairman and other Directors and state his case, and if he had a claim upon public grounds it would be attended to.

271. Mr. *Hardinge.*] Are there not cases in which the Chairs, as well as the Board, have given the appointments of writers to the public schools?—Individuals have occasionally adopted that course.

272. Do you find that that has answered?—I am scarcely able to say. I do not know that there are any instances of great distinction in the service in India of men who have so obtained their appointments.

273. Do you consider the test of qualification at Haileybury sufficiently high to ensure proficiency in the public service?—Yes, I think it is.

274. Between what ages do the youths enter the college?—They must be 17, and they cannot go to India after 23; and being required to reside two years at Haileybury, the maximum age on admission to the college must be 21.

275. Under the Act of 1833, were there not four candidates nominated for a vacancy, and one only admitted; and was there not in 1837 an Act passed which gave power to the Court to suspend the clauses in the Act of 1833?—The fourfold system was never brought into operation; it was suspended by the Act 7 Will. 4 & 1 Vict., c. 70.

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276. What proportion of the students entering Haileybury College succeed in passing their examination?—I am not aware of the exact proportion. There is a preliminary test, and rather a high one, upon admission to the college; the consequence is, that most men who get into the college pass the examination and get their appointments.

277. Viscount *Mahon*.] By preliminary test do you mean an examination?—I do; examination by persons independent of the East India Company, and independent of Haileybury, who are nominated by the Board of Control.

278. Sir *E. Colebrooke*.] Are any applications made to the Court for appointments on public grounds?—Repeatedly; and those applications, although negatived by the Court, are read to the Court of Directors, in order that any individual Director may thereby become acquainted with cases of which he may not have previously heard.

279. Do you think that any advantage would arise from allowing a certain number of appointments to be made by the Court as a Board?—I do not; on the contrary, I think it would be a disadvantage. I think the Directors, who now feel themselves bound to attend to the claims of individuals who have served in India, would consider that they were released from any such obligation if there were a reserve of that kind.

280. Mr. *Baillie*.] Should you consider the claim of distinguished officers in the Indian service one which the Court of Directors ought to admit?—I think the claim of a distinguished Indian officer entitled to every consideration, but I think it desirable that that consideration should be given through the individual Directors, and not through the body at large.

281. Sir *R. H. Inglis*.] And still less as a claim of right?—And still less as a claim of right.

282. Sir *E. Colebrooke*. With regard to the Act of 1833, can you state whether any reasons were given at the time for not following up the provisions by which four nominations were to be made for every appointment to Haileybury?—To the best of my recollection some reasons were given, but it was deemed to be impracticable, and inconsistent with the college as it was then constituted.

283. What difficulty would there have been in making such appointments?—In the first place, there would be three-fourths of the men sent up for every examination rejected.

284. Would you not have secured a higher qualification in the persons that were selected?—I believe that you would have secured a higher qualification, but I doubt whether that higher qualification would have been beneficial to the Indian service.

285. Is your objection to the rejection of candidates one that would apply to opening the appointments in any way to competition?—I think it is, if all appointments were to be the result of competition.

286. Do you think that a sufficient standard of qualification is attained without competition?—I think so. I think the present standard of qualification high.

287. Is the present standard higher than that which existed previously to 1833? Yes; the qualification has been increased.

288. Are many of the candidates now rejected who come forward?—A great many are turned back for six and twelve months, and have to come up again, and some have been ultimately rejected; but the standard being known to the public, parties who expect to get nominations are previously prepared for the examination.

289. Is there more caution in the candidates coming forward under the present system than there was formerly?—I think there is more caution.

290. Have you heard the testimony of any officers who have served in India as to the qualifications of candidates having been raised under the present system?—I have repeatedly heard that the qualifications of the persons employed in the civil service had greatly improved.

291. Since the Act of 1833?—Yes.

292. The Act of 1833 was not repealed till four years afterwards; were the appointments that were made in the intervening time under the present system, or in what way were they made?—The college was full at the time the Act passed, and there were some outstanding appointments; the service was supplied from men in the college, and from outstanding appointments.

293. You are aware that the students of the college only remained for two years

years there, and therefore they could not have supplied appointments for four years?—I think it was not quite four years, and there were outstanding nominations.

294. You said that some communication passed upon the subject; do you think you could produce any papers or communications that passed between the Board and the Court of Directors on the subject of the Act?—I think I could.

295. Do you think the age at which students are now sent out to India for the civil service, being 17 years, is a proper age?—The age by the first Act of Parliament, down to the time of the last Charter in 1834, was 16; it was then increased to 17, as the minimum age at which a student could enter Haileybury.

296. Would you increase it still further?—I think not, because I practically believe that students now enter the college at an average age beyond that.

297. At what age do you suppose on an average they are brought into employment in India?—I should think, upon an average, at 21 or 22.

298. The situations that they have to fill then are generally of a very responsible nature?—They are responsible; but at first they act as assistants.

299. Do you think that they are generally equal to their employment?—I have not heard any complaint in that respect.

300. Mr. *Herries.*] Do I understand you to say that no original appointments to the civil service in India can be made, except in favour of persons who have passed through the college?—None.

301. Viscount *Mahon.*] Who appoint the examiners whose duty it is to test the qualifications of the candidates?—The Board of Commissioners for the Affairs of India.

302. The Court of Directors have no control over those parties?—No.

303. Are they sometimes appointed for successive years?—It has so happened that for successive years the Board have appointed the same gentlemen.

304. There is no limit as to the number of times for which gentlemen may hold the office?—They are appointed for one year, and at the end of that year they are appointed again.

305. And they may be appointed for any number of years in succession?—They may.

306. Mr. *Labouchere.*] Who were those gentlemen who have been appointed? Mr. Dale, Mr. Stone, and Mr. Eden.

307. Viscount *Mahon.*] By whom are the professors of Haileybury appointed?—The principal and professors are appointed by the Court of Directors, with the approbation of the Board.

308. Mr. *Hardinge.*] Is it in the power of the Court of Directors to alter the system of education, as regards the proportion of Oriental and European literature which shall be taught at Haileybury?—The Court of Directors have not any power in that respect; the Board of Commissioners have the power.

309. Viscount *Mahon.*] Have natives of India at any time held office at Haileybury, as teachers of Oriental languages?—A native of Persia held office there.

310. Sir *E. Colebrooke.*] Can you state what proportion of cadets that are nominated go to Addiscombe?—Addiscombe contains 150 cadets.

311. What proportion of cadets annually appointed go to Addiscombe, and what proportion go direct to India?—They reside at Addiscombe two years; therefore you may take 70 or 75 as the proportion of Addiscombe appointments annually.

312. Do you think any advantage would arise from all the cadets going to Addiscombe?—I should think not; Addiscombe was established for the purpose of providing a suitable education for officers intended for the scientific branches of the army; and it happened to be able to accommodate a larger number, and therefore the excess not required for the engineers or artillery is sent to the infantry.

313. Viscount *Jocelyn.*] Do not those cadets who do not pass through Addiscombe undergo an examination?—They do; there has been a system of examination lately introduced.

314. Mr. *Hardinge.*] Do they undergo an examination in this country?—They do.

315. Mr. *Labouchere.*] Those who enter Addiscombe also undergo a preliminary examination?—They do.

316. Sir *E. Colebrooke.*] If Addiscombe were enlarged it would give a larger power of selection for the officers of the civil service?—Certainly.

317. Mr. *Hardinge.*] Has not the test been raised of the examination of the cadets in consequence of the test being raised for the Royal army?—Previously to the arrangement which has recently been made there was no test for direct cadets.

318. Sir *E. Colebrooke.*] How long since was that test first applied?—Last year.

319. Can you lay before the Committee the tests for both civil and military appointments?—Certainly.

320. Mr. *Vernon Smith.*] Did not Mr. Wynne, when he was President of the Board of Control, offer a writership to competition of the public schools?—He did.

321. Do you know how that succeeded?—A gentleman was appointed to the Bombay establishment from Westminster school; that was Mr. Escombe.

322. Has he succeeded?—Unfortunately he died very early in the period of his service.

323. Has that experiment been tried since?—Yes; I have seen that individual Directors have occasionally given appointments to be competed for in public schools.

324. Sir *R. H. Inglis.*] Has not Sir Henry Willock done so?—I think he has; but it is from private means of knowledge that I obtain that information.

325. Mr. *Hardinge.*] Did not Lord Broughton do it?—I saw it stated in the public newspapers that he had done so.

326. Mr. *Herries.*] Can you state whether the establishment of these preparatory institutions, Addiscombe and Haileybury, has tended to improve the character and efficiency of the civil and military servants in India?—I think it has.

327. Viscount *Jocelyn.*] From your knowledge of what goes on in India, with regard to the cadets that are sent out there, and are employed afterwards, can you state whether those appointments which are made from Addiscombe are generally of young men who turn out to be more efficient than those who go by direct appointment to India?—I have no means of judging; the Honourable Member's question, of course, applies only to the infantry.

328. I apply it to all the services?—The officers of the engineers and artillery all go through Addiscombe; those appointments are the prizes of the institution.

329. In reference to the infantry and the cavalry, can you make a comparison?—No, I have not the means of doing so, those appointed to the cavalry go direct to India; none of them go through Addiscombe.

330. Mr. *Hume.*] You were asked a question whether attention had been paid to the claims of public officers who had been in India, and your answer was, that one half of the civil service had been the sons of public servants in India; you meant by that, that that was by individual presentation of the Directors, not by presentation of the Court?—It was by individual presentations.

331. What rule is followed when the number of assistant surgeons, or other officers to be appointed, does not equal the number of the Court. You begin with the Chairs, and then each member of the Board would in turn appoint those Directors who would remain at the bottom of the list, commence in the next year, or would they go without any appointments?—The case does not often happen; it has occasionally happened with cavalry appointments, and then some arrangement has been made by which the Directors got infantry appointments instead of cavalry, or the following year they got cavalry appointments.

332. You were asked in what way the transfer of patronage from the Directors to the Government would operate. Do we understand you to say, that your deliberate opinion is, that the appointments are now made less on political grounds, and more on the merits of the connexion of the parties, than could be done if the patronage were so transferred?—That is my deliberate opinion.

333. You have heard the question raised how far Haileybury, as a separate institution for education in a particular branch, should be continued. I wish to ask you how far you think, looking to the qualifications and tests fixed as they now are or as they might be improved, any advantage would be derived from the youths who were going to India having an opportunity of acquiring the same knowledge, and of mingling with their countrymen at the different colleges and establishments in this country?—I think there is a great advantage in the young men going to India at a comparatively advanced period of life. I think nothing can compensate for the loss that they would sustain by going to India at an earlier period than they now do.

334. You mean that the intercourse with those of their own age, or who are older than themselves, gives them a knowledge of the institutions and habits of this country, and benefits them as public servants?—I think so.

335. Would not that lead rather to making the age at which they should go to India beyond 19 or 20, which is the average now?—I would certainly rather increase the age than diminish it.

336. Following up the question which I have put, how far do you think that arrangements could be made with the different colleges or public institutions for the youths destined for service in India being educated there and merged with other youths educated there, instead of all being sent to one college; inasmuch as they may form opinions of their own, probably, which are not consonant with what they would form if they had a general introduction to the world by attending these different colleges?—I am, I confess, disposed to think that the exclusiveness of Haileybury is an objection to it, though it would be difficult to suggest a practicable remedy.

337. Do you think it is a subject which could be elucidated by any experiments which have been tried? Take, for example, the period when the civil service required a greater number of civil servants to be sent out, and when the rule respecting the entrance of all youths at Haileybury was obliged to be dispensed with: do you think any evidence could be obtained by examining that class, as compared with the class sent out at the same time from Haileybury, with a view to show how far the interests of the Company have been benefited or otherwise, by young men being at Haileybury?—I have understood that generally the result of the examination by what was called the London Board, in 1826, did not prove a very successful one. Though at the same time some distinguished servants who are now in India were appointed under that examination. Sir Henry Elliot is an instance of it.

338. The point I wish to ask you is this, how far, taking into account the important duties that these young men have to perform in India, they would, on the whole, be better or worse public servants, by having two or three years' communication with talented men in this country?—I think there would be an advantage in such communication; at the same time the Committee are aware that Haileybury presents great opportunities for acquiring a knowledge of the rudiments, at least, of Oriental languages.

339. Inasmuch as there is only one important subject, viz., the Oriental languages, which is specially taught at Haileybury, might not provision be made for that, and thus the separate establishment of Haileybury become unnecessary? My object is, to ask you whether the question of the expediency of abolishing Haileybury, and rendering the education of the youths more national by mixing with other youths in some of the established universities, is not a question deserving of serious consideration?—It would, I think, be an advantage, if it were possible to combine the system of Haileybury with that of other public institutions, so as to make it less exclusive.

340. You have stated that an estimate comes home as regards the wants of the civil service in India; could a copy of that be produced?—It could.

341. Will you have the goodness to produce it?—I will.

342. You have also stated that as regards the army and the assistant surgeons, an estimate is prepared by the Court; can you also furnish a copy of that; and likewise, if allusions in estimates have been made to any communications from the Government abroad, as reasons why an increase or decrease should take place, can you furnish those?—Certainly.

343. You were asked whether a petition had not been presented by certain officers, calling upon the Court to pay attention to the sons of distinguished public servants; what is the date of that petition?—It is within the last two months.

344. Can you produce a copy of that petition?—I can.

345. I understand you to say distinctly, that in your opinion, yielding to that petition would not tend to benefit the service?—That is my opinion.

346. May I draw the conclusion from your general answer, that it would tend not only to subordination, but to attention to the merits and claims of individuals if the present system was continued, instead of changing it, by giving a right to any class of the Company's servants to appointments in India?—Yes; I think it desirable that individuals who are to hold offices in India should hold them by an act of grace and favour from the Directors of the East India Company.

347. All appointments in India are made by the Government there, and the

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home authorities have no right to interfere?—All promotions are made by the Government in India.

348. The practice which existed of appointing by seniority is abolished, is it not?—Yes, as respects the civil service.

349. Where the Governors in India have found themselves obliged to select, in order to fill particular offices, young men whose standing in the service hardly appeared to warrant their being so appointed, do not those Governors send to the Court an explanation of why and wherefore they have made a deviation from the ordinary rules of the service?—Not necessarily; but if individuals complain of those appointments and memorialize the Court, then the Government in transmitting the memorial gives what explanation it thinks fit.

350. Then I understand you to say that wherever a supersession in the opinion of a public servant abroad takes place, his representations to the Government are sent home to the Court, and then the Court of Directors, as well as the Board, have an opportunity of confirming the appointment, or of listening to the representation of the officer?—They have an opportunity of considering the representation; but it is almost the invariable rule not to interfere with the local Government in the selection of persons for offices.

351. On the whole, is it your opinion that the general administration, as regards the appointment of servants and their promotion, should be left to the local Government?—I think it should.

352. In your last examination you stated that virtually India was governed by the local Government?—It is governed in India, subject to the control of the Home Authorities.

353. It is only on questions where a doubt may arise, or something important may occur, that a reference is made to the Court of Directors, and you think it right that those matters should remain subject to the examination of the Court of Directors and the Board?—I think so. The law has declared that the Government of India shall be dependent upon the home authorities; and the number of cases in which the Government in India has referred home for instructions, has increased with the facility of communication.

354. Will not the increased and increasing communication tend to the better government of India, in so far as a more speedy attention will be given to every subject submitted to the home authorities, whether public or private?—Decidedly.

355. Viscount *Jocelyn.*] What is the cost of a pupil educated at Haileybury?—The payment to the East India Company is 100 guineas a year; that includes his board and education.

356. Mr. *Labouchere.*] There is nothing in the nature of exhibitions at Haileybury, in which young men who have deserving parents can participate?—There is not.

357. Viscount *Jocelyn.*] What is the cost of a pupil educated at Addiscombe?—The payment there is 100 *l.* a year.

358. Do you consider that that covers all expenses attendant upon the education?—Yes, so far as the parents, or guardians are concerned.

359. And their board during the time they are there?—Yes.

360. Mr. *Labouchere.*] At what sum would you place the whole expense of a young man educated at Addiscombe?—I do not think it ought to exceed 120 *l.* or 130 *l.* a year.

361. And at Haileybury, what would be the expense?—It ought not to exceed 200 *l.* a year.

362. You stated that a petition had been presented by officers to the Court of Directors upon the subject of patronage; what became of that petition?—It is now on the table of the Court.

363. Was any answer given to it?—No. It was brought before the Court of Proprietors, and the Chairman had an opportunity of expressing his sentiments upon it in debate.

364. And the Proprietors were satisfied with the explanation that the Chairman gave?—Yes.

365. Lord *J. Russell.*] Have there been any reports from the Governor-general, or any other of the authoritiesin India, upon the question of the education given at Haileybury, as to whether it was found advantageous or not?—No communication has been received upon the subject from the Government of India.

366. Mr. *Bankes.*] You have stated that there is now a previous examination of the cadets who do not go to Addiscombe?—There is.

367. Where is it carried on?—It is carried on at Addiscombe by examiners appointed by the Court of Directors for the purpose.

368. Are they obliged to reside at Addiscombe?—No, the cadets merely go to Addiscombe to be examined.

369. Mr. *Labouchere.*] Have any been rejected?—Many have been remanded, but none finally rejected.

370. *Chairman.*] With regard to the composition of the establishment at the India House itself, in what way are appointments made?—They are made by the Directors in rotation, the Chairman and Deputy Chairman always taking precedence.

371. How are the promotions made, by long service or by merit?—The general system of promotion is by seniority, but the Court of Directors exercise their discretion in appointing to any office deemed important. They fill up the vacancy by selection, giving a preference to seniority in cases in which it may be deemed consistent with the public service to do so.

372. Mr. *Hume.*] In point of fact, are not a considerable number of the appointments at the India House the appointments of the sons and connexions of those already in the India House?—That is the case.

373. Where a public servant gives satisfaction in that as well as in every other department, the appointments are made by the Chairs for the time, or by the Directors who have the power of exercising the patronage in favour of those individuals?—Such examples are of constant occurrence.

374. Mr. *Labouchere.*] How is the scale of payment at the India House as compared with the scale of payment in other public offices?—I think the system of payment at the India House is liberal.

375. Viscount *Jocelyn.*] Could you furnish us with a return of the establishment at the India House, and the salaries received?—Such a return has been called for, and is now being prepared.

376. Mr. *Labouchere.*] Have you a system of superannuation?—Yes, we have a system of superannuation prescribed by the Act.

377. *Chairman.*] Can you inform the Committee as to the system of disposal of the patronage in India?—I can only state generally that Parliament has prescribed that all appointments in India, with the exceptions already mentioned, shall be made by the local Government, and that the Court of Directors shall not interfere with them; the Governor-general and the Governors make their selections for offices.

378. Are those appointments referred for approval to the Court of Directors?—No, they are not.

379. Have the Court of Directors no power of rescinding them?—Yes; the Court of Directors might rescind any appointment, because the Government of India are bound to obey the orders of any 13 of the Directors.

380. Mr. *Herries.*] Not with respect to appointments, but with respect to removals?—With respect to removals; but, I think, if a case of supposed injustice (and I know such a case) were reported from India and complained of by any individual who thought himself aggrieved, it would, even in the case of an appointment, be in the power of the Court of Directors, with the approbation of the Board, to desire the arrangement to be changed.

381. Lord *J. Russell.*] Have you known such cases occur?—I have.

382. Mr. *Herries.*] If I understood the former part of your evidence rightly, the home authorities are not entitled to make the appointment in India?—No, they are not.

383. Mr. *V. Smith.*] Are the appointments made in India reported to the home authorities?—They are all gazetted, and the Gazettes sent home.

384. Mr. *Herries.*] But they are not sent home for approval?—Certainly not.

385. Viscount *Jocelyn.*] Is it decided in this country or in India to what class of the service, whether revenue or judicial, a person shall belong?—That takes place in England.

386. Mr. *Hume.*] You were asked a question as to covenanted and uncovenanted service; that applies entirely to the civil service?—Yes.

387. With regard to cadets and officers upon the establishment, the appointments are all made in England; but, as regards the irregular corps, who settles the manner in which they shall be raised and shall be officered?—That is done in India entirely.

388. Do you mean to say that all those irregular corps of cavalry and infantry, which on great emergencies in time of war are raised, depend only on the judgment of the Government of India, and that the Court of Directors do not interfere

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fere in any way?—The arrangement is made in India and is reported by the Local Government to the Court of Directors for approval.

389. Is not the raising of those irregular corps considered of great advantage with regard to efficiency as a part of the army, and in regard to finance in respect to the payment?—I have understood that to be the case.

390. Does it not enable the Government to raise at a moment any number of troops, and by appointing experienced officers to command them, does it not enable them to employ a force and put an end to hostilities, without incurring the heavy expense that would arise if an army were employed?—That may be the case; but perhaps the Committee would be better satisfied with the opinion of some military man on a matter of that kind.

391. Mr. *Hardinge*.] What is the test required of candidates for assistant-surgeonships?—They produce a diploma, and show that they have passed through certain medical schools; and then there is an examination by the Company's examining physician.

392. The appointment of full surgeon rests with the local Government?—Yes; the promotion is made by the local Government; and in this case is by seniority.

393. Sir *R. H. Inglis*.] In the early part of your evidence, reference being made to the despatches which passed between India and England, you stated that they were generally addressed in a special form by the Governor-general and the Governors to the Court of Directors; are you aware of any instance in which that special form has not been adopted?—Despatches are always addressed in the same form.

394. Do you know of any instance in which the Governor-general of India deviated from that form?—I have an indistinct recollection that there was such a case in Lord Hastings' time; but since that I am not aware of there having been any case.

395. *Chairman*.] At any rate no such case has occurred since the last Act?—Certainly not.

396. Mr. *Hume*.] You stated that appointments to the Bombay Marine (commonly called the Indian navy) are made by the Court here; is that a service subject to martial law?—Yes, it is.

397. Are all vessels that are employed by the Company officered by those officers who are so appointed and subject to martial law?—They are; that is the general rule; I believe occasionally individuals are taken into employment in the Indian navy to supply deficiencies in the service.

398. Are you aware that several ships, viz., the "Nemesis," the "Pluto," and other ships have been employed under the Bengal Government; and are they not under martial law, though employed in various military proceedings; and are not the appointments made by the Bengal Government in a different manner from the ordinary appointments to the Bombay Marine?—They are under martial law when engaged in military operations. The appointments to them are made by the Bengal Government.

399. *Chairman*.] Will you state what changes were effected in the constitution of the Government of India by the Act of 1834?—Previously to 1834 there were three Governments in India; the Governor-general in Council of Fort William; the Governor in Council of Madras, and the Governor in Council of Bombay; the Governor-general in Council being invested with a general power of control over Madras and Bombay. By the Act of 1834, the Government of all India was placed in one general central government, denominated the Governor-general of India in Council, consisting of the Governor-general, with four ordinary members, three of whom must be servants of the Company, either civil or military; and the fourth, commonly called the Legislative Councillor, must be a person not previously in the Company's service. Power was also given to the Court of Directors to appoint the Commander-in-Chief an extraordinary member of the Council in India. Four subordinate Governments were constituted to act under this central and superintending Government, namely, Fort William or Bengal, Agra, Madras, and Bombay. The Governor-general was declared to be the Governor of Fort William; and power was given to him, whenever the exigencies of the public service required, to nominate as Deputy-governor any one of the ordinary members of his Council. The constitution of these subordinate Governments was fixed in the Act to consist of a Governor and three members of Council; the Court of Directors, with the approbation of the Crown, to appoint the Governor, and of their own authority to nominate the members of Council, who must, however, be civil servants of not less than 12 years' standing; but the local Commander-in-chief might, if the Court pleased, be one of the members of Council, and this being always

always the case, the practical constitution under the law is a Governor, the Commander-in-Chief, and two civil councillors. Although this was the constitution of the subordinate Governments, recognized by the Act, yet authority was at the same time given to the Court of Directors to do away in whole, or in part, with Councils at the subordinate Presidencies, subject to the approbation of the Board of Commissioners. The Supreme Government has, by that Act, enlarged powers of control over all the subordinate Governments, who are precluded from creating offices, or spending money in any way without the previous sanction of the Supreme Government. A new power, that of legislation for all India, extending to interference with Acts of Parliament passed previously to 1834, and extending also to interference with the Supreme Courts, was given to the Supreme Government by the Act of 1834, and to enable them the better to exercise it, the fourth ordinary member was added, whose power is limited to sittings of the Council in which measures of legislation are proposed. Such were the principal changes made by the Act of 1834. I will only add, that all the powers of the Government of India are exercised, subject to the orders of the home authorities, agreeably to the Act of the 13th of Geo. 3, chap. 9, and that laws passed by the Government of India, although they have immediate effect, are liable to be disallowed by orders from home.

400. You say that the Council of the Supreme Government is composed of three ordinary members, civil or military, and of the Legislative Councillor, and that the Court can add, as an extraordinary member, the Commander-in-Chief? —Yes.

401. Any person may be appointed a member of the Council who has had 12 years' service under the East India Company?—That applies to the Councils of the subordinate Governments. The old law was, that 12 years' residence in the civil service was the qualification for members of Council; that old law was changed by the Act of 1834 as respects the Supreme Council, but it continued in force, and continues still as respects the Councils for the subordinate Governments.

402. Who are included in the title "civil servants"?—The members of the covenanted civil service, who were originally appointed as writers, and rise upon the list of covenanted servants of the Government.

403. The uncovenanted service is not included?—Certainly not.

404. What steps did the Court of Directors take to give effect to the changes to which you have referred?—They communicated the arrangements provided by the Act to the local Governments; they declared that the Governments of Madras and Bombay should continue to have Councils composed of two civil servants and of the Commander-in-Chief, if appointed by the Court. They directed the division of territory in view to a separation of the new Government of Agra from Bengal; but they determined that neither in Bengal nor at Agra should there be any Council, it being thought, that owing to the proximity of the Supreme Government, the details of the administration of Bengal and Agra would more closely come under the eye of the Supreme Government, than in the case of the more distant Presidencies.

405. Has the Court power to retain or discontinue the Council as they please? —The Court has, with the approbation of the Board, the power of discontinuing the Council, of restoring the Council, or of reducing the number of the members of Council.

406. Have they the power of increasing the number of members?—Not beyond the limit fixed by the Act of Parliament.

407. Then the Governments of Madras and Bombay are the only subordinate Governments with Councils?—That is the case.

408. What has been the effect of these changes upon the Governments of Bengal and Agra?—In Bengal the Governor-general has thrown upon him individually all the details of the Presidency of Fort William. He may relieve himself of those details by appointing one of the ordinary members of his Council to be Deputy-governor of Fort William; generally, however, the Governor-general himself, when residing at Calcutta, fills the office; and whether he or a Deputy-governor acts, the Government of the subordinate Presidency of Fort William is administered by a functionary, whose proceedings are subject to the control of a superior body, of which he is himself a member.

409. Then the power of the Governor-general so to appoint a deputy is not confined only to cases of absence; he can appoint a deputy when he is present? —When absent, he must appoint a deputy; but when present, he may do so.

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410. With respect to Agra; what has been the effect of the change?—With respect to Agra, as soon as the arrangement for constituting it a separate Government were made known in India, serious objections were taken to it, and it was shown to be unnecessary and inexpedient where there was to be no political authority, and where there could be no separate service, to have the expensive machinery of a distinct Government. The Court of Directors upon hearing this, and participating themselves in the objection, proposed that the Supreme Government should continue to administer the Government of Bengal and Agra, as they used to do, with power to the Supreme Government to appoint a Lieutenant-governor of Agra. This proposal was partially effected. An Act was passed, under the authority of which the formation of a separate Government for Agra was and still continues to be suspended; and a Lieutenant-governor was appointed, chosen by the Governor-general in Council, from amongst the servants of the Company; and that arrangement for Agra has been found to work most satisfactorily.

411. Would it not be desirable to constitute the other subordinate Governments upon the same footing as Agra has been constituted?—I confess with respect to Bengal, I should myself have been glad if it had been possible to revert to the old system under which Bengal was administered by the Governor-general of India, in Council. With respect to Madras and Bombay, I do not see how it would be possible or advantageous to reduce to Lieutenant-governors the Governors of Madras and Bombay, where there are separate armies and separate services; acting as those Governments do in immediate communication with the home authorities, although subject to the control of the Supreme Government, it appears to me to be necessary that the constitution of Governors in Council at Madras and Bombay should be maintained. Upon this subject, if the Committee will allow me, I will quote the opinion of a former President of the India Board, in which the Court of Directors have expressed their concurrence. It is dated in 1834: "The Government of India, by a Council, makes the Government one of record; it renders necessary discussion before action; it imposes reflection upon arbitrary power, by the minutes of the several members of Council, in matters of importance and of difference. It draws to those matters the attention of the home authorities; enables them to see upon what grounds, and to judge whether upon good grounds, any measure has been adopted; and thus places upon those who are necessarily entrusted with power, of which the immediate action is unlimited, the salutary restraint arising from the consciousness of ultimate responsibility. It is by this institution alone that we have been enabled to secure to India all the advantages of absolute monarchy, combined with many of those which in other countries are only attached to limited and constitutional Government."

412. Whose opinion was that?—That was the opinion of Lord Ellenborough when president of the India Board; it was expressed on the 30th of December, 1834, in a letter written to the Chairman and Deputy-chairman.

413. You continue of the same opinion now?—I do.

414. You stated that you thought it would be desirable to revert to the old system as regards the Government of Bengal. Will you state your reasons for entertaining that opinion?—The seat of the Supreme Government, viz. the Governor-general of India in Council, being Calcutta, and that Government having to control all the details of the Government of Bengal, sitting at the same place, it would seem to be the simpler and more practical method, that the Governor-general of India, in Council, should administer directly the Government of Bengal as he used to do.

415. Mr. *Herries.*] Referring to an answer you have given, I would ask you whether, in point of fact, the administration of Agra, or of the North Western Provinces by a Deputy-governor, has not been practically very successful?—I think it has.

416. Mr. *Labouchere.*] You state that those councillors who now assist the Governor-general in his duties, as Governor-general over the whole of India, might advantageously assist him in the local Government of Bengal?—I think so.

417. Sir *E. Colebrooke.*] Which they did before the Act of 1834?—Yes.

418. Do you think that the central Government ought to have a very large power of controlling the local authorities in the appointment of officers and the expenditure of money?—It is not in the appointment of officers; it is in the creation of new offices that they have a power of control.

419. Is that power derived from the instructions of the Government at home, or from anything in the Act of Parliament?—The Act of Parliament expressly provides it.

420. And it also provides with regard to the expenditure of money?—It does.

421. Do you think it necessary that the central power should legislate in matters of detail for the separate Presidencies?—I think so.

422. Do not you think that the local Government, with the assistance of its Council, and its communication with the heads of department and the heads of the law, must have better means of deciding upon the laws, necessary for those Presidencies, than the central power sitting in Calcutta with very little knowledge upon such subjects can have?—I think it would be the duty of the subordinate Government to give all that information to the Supreme Government, and I think that the system of legislation should be in the hands of one authority, and that the Central Government.

423. Is there any great difference between the systems of administration which prevail in the different Presidencies?—The Committee will have better information upon that subject than I can give, from gentlemen who have filled offices in India.

424. Viscount *Jocelyn.*] Is there not a great difference between the position of the Lieutenant-governor of Agra, and the position of the Deputy-governor of Bengal?—There is an important difference.

425. But the effect of the arrangement is this: that whilst the Lieutenant-governor of Agra is selected by the Governor-general of India from amongst the highest civil officers, the Deputy-governor of Bengal is generally appointed by the Governor-general of India from amongst the members of the Council?—He must be selected from amongst the members of the Council.

426. And the effect of that is, that in the course of the last 10 years there have been frequent changes of the Deputy-governors of Bengal?—There have been frequent changes.

427. How many Deputy-governors have there been in that time?—There must have been four or five Deputy-governors.

428. In the course of the last five years, can you state how many Deputy-governors of Bengal there have been?—I think there have been two.

429. Lord *J. Russell.*] The Governor-general when he leaves Calcutta is obliged to appoint a Deputy-governor?—Yes, he is.

430. When he returns to Calcutta he resumes the duties of Governor of Bengal?—That is generally the case; he need not do so unless he desires it.

431. Is there not some inconvenience in that practice, in his not administering the government of Bengal when he is away, and when he comes back, being obliged to direct his attention to the local duties of the Government of Bengal?—I think there is.

432. Viscount *Jocelyn.*] Do you see any reason why there should not be a Governor appointed for Bengal in the same way as there is a Governor appointed for Agra?—If the separate Government of Fort William is continued, I am disposed to think that would be a good arrangement; it would be more consistent with sound principle that the person appointed as Governor should not be a member of the Council which is to control his own acts.

433. Mr. *Hardinge.*] On the Governor-general returning to Calcutta, may he not, if he thinks fit, allow the Deputy-governor to retain the administration in his own hands?—He may.

434. From your knowledge of Indian business, do you not consider it impossible for the Governor-general to conduct the vast administration of the Government of India, and, at the same time, to pay due attention to the Government of Bengal?—I think that the arrangement involves immense labour to the Governor-general, but any attempt to remedy it would raise practical difficulties in regard to patronage.

435. When the Governor-general leaves Calcutta, he appoints the President of the Council?—Yes.

436. Is that President of the Council *ex officio* Governor of Bengal?—No; the Governor-general appoints the Deputy-governor.

437. Might not the President of the Council hold both offices?—I apprehend he might, if the Governor-general thought fit to appoint him to both offices.

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438. Did not Sir Herbert Maddock hold both offices?—Yes; and Sir John Littler has done the same.

439. Has the Commander-in-Chief a right, under the Act, to take his seat at the Council-board?—Not unless he is appointed an extraordinary member by the Court of Directors.

440. What advantage do you conceive results to the service from his taking a seat at the Board?—I conceive great advantage results from it; I can remember when great inconvenience arose at Madras from the Commander-in-Chief not being appointed to a seat in the Council; it was supposed to be one of the causes of the Madras mutiny in 1809.

441. Mr. *Herries.*] Has not some difference of opinion arisen as to the respective power of the Governor-general when absent from Calcutta, and the President in Council remaining on the spot?—Yes, there has; before the Governor-general goes away, the Governor-general in Council is authorised to pass a law declaring what the powers of the Governor-general shall be when he is absent, and the law, when the Governor-general went away, having given him all the powers of the Governor-general of India in Council, the question arose, what power remained to the President of the Council.

442. Has that difference been adjusted finally?—It has been since adjusted; the Governor-general was shown to be in the right in the view he took.

443. Has not the Governor-general expressed an opinion that it would be better to make that point clear by an enactment for the purpose?—I am not aware of that.

444. Mr. *Labouchere.*] Would it be easy for the Governor-general to find, among the civil servants of India, men of sufficient standing and reputation to put above the Council of Calcutta?—He would not be above the Council of Calcutta any more than Mr. Thomasson is at Agra.

445. Is not the position of the Governor at Calcutta very different from that of the Governor of Agra?—Yes; it is.

446. You would require a man of higher standing to be Governor at Calcutta?—Perhaps so; but the service of India is very productive of good men.

447. You see no difficulty, in relation to his standing in the service, in a suitable man being selected to fill that high office?—I think the Governor-general would be able to make a selection of a suitable man.

448. Mr. *Hume.*] You have stated that a declaration is published by the Governor-general to the Governor of Bengal; does that set forth the offices that the Governor of Bengal can appoint to; that is to say, the patronage that he is to exercise; can you give us a copy of the declaration?—You can have a copy of the local Act which is passed when the Governor-general goes away from Calcutta.

449. That defines the powers of the Governor of Bengal?—No; that is sometimes done by a minute which the Governor-general makes before he goes away, as to the division of the business; I apprehend that the patronage of the Government of Bengal is, for the time being, in the hands of the Governor of Bengal.

450. Does the minute set forth generally what the powers of the Governor of Bengal are to be?—Yes, the minute arranges the division of the business.

451. Are both the Act and the minute published at the same time?—The minute is not published; it is communicated to the persons whom it concerns, but the Act is published.

452. With respect to the Governments of Bombay and Madras, are they not limited at the present time against expenditure of every kind, except what is called simple routine with regard to the civil service?—That is the case.

453. For example, if expenditure for a prison, or a penitentiary, or for a road, is required in the Presidency, must not all those matters be submitted to the Governor-general in Council before the expenditure can be incurred?—They must.

454. Does not that give rise to delay and inconvenience, and if those matters are requisite, to impediments to the service?—I think inconvenience occasionally arises from the necessity of reference.

455. In giving the opinion that the Councils of Madras and Bombay should remain, do you consider that they should be limited within such strict and narrow bounds as they are now, in respect to any of those general measures which the Presidency may require?—I think it necessary that a restriction should exist; the mode in which it is exercised may perhaps admit of qualification.

456. Are you aware what has taken place at Madras respecting the building of a penitentiary

penitentiary and prisons and public works; and are you not aware that great complaints have existed of delay in the execution of those works?—Yes, I have heard such complaints.

457. Have there not been representations made to the Court of Directors which show that delays have occurred, and that complaints have arisen from those delays?—There have been, I think, occasionally such representations, but I cannot see why there should be any great delay; the period occupied in communication with the Government of India is not very long.

458. If a power of controlling general expenditure on such general works as I have stated, remained with the Governor-general, would not a Governor at Madras and Bombay, without a Council, be adequate to conduct the details of the Presidencies?—I think not; there is a separate army at Madras, and a separate army at Bombay, and there are separate Courts of Judicature.

459. Mr. *Hildyard.*] You have stated that the Court of Directors may add the Commander-in-Chief to the Council?—They may.

460. In that case he takes rank after the Governor-general?—Yes.

461. Supposing the Governor-general to be absent, can the Governor-general appoint the Commander-in-Chief President of the Council, or must he appoint a civilian?—He cannot appoint the Commander-in-Chief. He must appoint one of the ordinary members of the Council.

462. Then in that case, the Commander-in-Chief loses rank, having before ranked next to the Governor-general; he then ranks after the President of the Council?—Such is the law.

463. Mr. *Baillie.*] Is it not the fact that of late years the Governor-general has resided almost entirely in Northern India?—During the political excitement that of late years has existed in India, the Governor-General has generally been on the frontier.

464. Do you think that there would be any advantage in changing the seat of Government to a more central position in India?—I do not myself think there would be any advantage in it. The law enables the Council to assemble in any part of India. The Governor-general may go to any part and take his Council with him.

465. Seeing the extension of territory which has lately taken place in India, do you think there would be any advantage in establishing an additional Presidency in Northern India?—The Punjaub and Scinde might, perhaps, form a separate Presidency.

466. And you might have a Deputy-governor there?—Yes; but perhaps the Committee would hardly set any value upon any opinion that I might give upon that point.

467. Mr. *Hildyard.*] In the case that I suggested, it might occur that a junior officer might take rank above a senior officer?—A military man might be an ordinary member of the Council.

468. And in that case you might have a junior officer take rank above a senior officer?—Yes, but he merges his military character in his character as ordinary member of the Council.

469. Do you think that that is a convenient regulation?—I see no objection to it; it is the principle that the Government should be in the hands of a civilian, and not of a military man.

470. Sir *J. Hogg.*] With reference to that restriction, I believe it is not introduced by the recent Act, but at all times the rule was, that in the case of the death of the Governor-general, the Government vested in the senior member of Council, not being a military man?—Always.

471. A military man being expressly excluded from the Government, both before and since the recent Act?—Yes; except that by the recent Act a military man may be selected as an ordinary member of Council of India, and in that case he may succeed as Sir John Littler has done.

472. Up to the passing of that recent Act, there was never more than one military man in the Council, that military man being the Commander-in-Chief?—Yes.

473. And that military man being the Commander-in-Chief was expressly precluded from being Governor-general?—Yes.

474. Mr. *Hume.*] With reference to the limitation of the power of expenditure, is that limitation by order of the Court of Directors to the Governor-general, or by

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order from the Governor-general to the Governments at Madras and Bombay?—It is by enactment of the Legislature.

475. What is the nature of that enactment as to the limits?—There is no limit; the Governor-general is to control the subordinate Governments; they are precluded from creating offices, or expending money without the sanction of the Governor-general in Council.

476. To what extent does that limit proceed as regards the Government of Bombay or Madras?—To its full extent.

477. Is there any limit by the Court of Directors upon the Governor-general as to his expending money without their sanction?—Yes.

478. What is the limit?—The general order is, that the Governor-general is not to increase salaries, subject to a wide discretion. In all cases of increase of expense arising out of a proposal to increase salaries, or to create new offices, or expend money on public works, he is to refer home for previous sanction, except that he may authorise an expenditure on any particular object of 10,000 rupees or 1,000*l.* without reference to the Court, and that has been since increased to 50,000 rupees, or 5,000*l.*

479. Supposing the Governor anxious to complete the formation of a canal for the purpose of irrigation, or the formation of a line of railway, can he do so without sanction from home?—The order requires previous reference, if the expenditure exceeds the limits I have mentioned; therefore, if he did not make the previous reference, he would do it upon his own responsibility, and he would have to justify himself for so departing from the order of the Court.

480. In the commencement of the great irrigating canal in Upper India which was begun in Lord Ellenborough's time, did he obtain the sanction of the Court of Directors before he undertook that?—I think he did.

481. But as regards Madras and Bombay you are not aware what the limits are to the control exercised over their expenditure?—I am not aware that there is any limit; the law is imperative that before incurring any expenditure, such as I have mentioned, they should obtain sanction from the Supreme Government.

482. Mr. *V. Smith.*] Under the last Act there was a new officer appointed for the Government of India, called the Legislative Councillor?—There was.

483. In whose appointment is that?—It is in the gift of the Court of Directors, subject to the approbation of the Crown, that approbation being countersigned by the President of the Board of Commissioners.

484. The appointment emanates in the first instance from the Court of Directors?—They have the initiative.

485. Can you state to the Committee anything of the working of that new office, whether it has been successful or otherwise?—I believe it has been successful, and that the Council of India, as a legislative one, has worked successfully; but gentlemen who have been in Council in India will be able to give you more satisfactory evidence upon that point than I can do.

486. What are the peculiar duties of the Legislative Council?—To frame a system of laws for all India.

487. Has that system of laws been framed?—Laws have been framed; the Act of Parliament contemplated an uniform civil and criminal code.

488. Mr. *Hardinge.*] Has anything resulted from Mr. Macaulay's code?—It is now under final reference to the Government of India.

489. Mr. *Hume.*] You have stated that on every question requiring reference to the Home Government, collections of papers are made, which are in many cases voluminous. In cases where the Government of Bombay, or of Madras, differ from the Supreme Government, does the Supreme Government send home all the papers which have been sent from Madras or Bombay to them along with their collection of papers?—Very generally the reference home comes from the subordinate Government; the subordinate Government transmit their correspondence with the Supreme Government.

490. Have you not the ultimatum from the Supreme Government?—The ultimatum of the Supreme Government is sent to the Government of Madras or of Bombay, and the Government of Madras or Bombay send it home to the Court of Directors.

491. Does not the Governor-general in Council know what collection of papers is sent home; supposing the opinion of the Governor of Madras or Bombay to be adverse to his opinions, has he not an opportunity of sending home other papers bearing

bearing upon the subject?—Yes; everything which is sent home to the Court of Directors is sent also to the Supreme Government.

492. Then you receive collections of papers from the Supreme Government, and also from the Government of Madras or Bombay?—We may do so.

493. Sir *R. H. Inglis.*] You have referred to the absence of the Governor-general from Calcutta during the last 10 or 12 years of excitement; can you state to the Committee whether any representations have been made to the Court touching any inconvenience to the public service which such absence may have been found to occasion?—There have been none that I am aware of.

494. Do you conceive that there has been any great advantage to the public service in India, when the office of Captain-general has been united to that of Governor-general, as in the case of Lord Cornwallis, Lord Wellesley, and Lord Hastings?—I am not aware of any particular advantage resulting from it; if there is any, it must be of a military character.

495. Does the combination of the two offices appear likely to produce a more perfect unity of action than could exist when the two supreme functions were divided?—I am not aware that any inconvenience practically arose when the offices of Governor-general and Commander-in-chief were united.

496. The question was rather whether any disadvantage arose from dissevering the offices?—I am not aware of any.

497. Have there at any time been any differences of opinion between the Governor-general and the Commander-in-chief?—There have been occasionally differences of opinion.

498. But you think the evil of such differences has not been to such an extent as to induce you to recommend the perpetual union of the two offices of Captain-general and Governor-general?—No, I think not, because that would involve the necessity of a constant selection of military men as Governor-generals.

499. Not necessarily, because Lord Wellesley was not a military man?—The office of Captain-general was in Lord Wellesley's time, but it is distinct from that of Commander-in-chief.

500. Did not the office of Captain-general involve the command of all the troops?—I am not able to say what was the distinction between the Captain-general and the Commander-in-chief; it was a peculiar office of a military character vested in a civilian.

501. *Chairman.*] I understand you to say that when the Governor-general is absent from Calcutta he can limit the powers of the Deputy-governor to any extent he pleases?—The Governor-general of India in Council has great powers; I should think he could limit the powers of the Deputy-governor.

502. Does the Governor-general, when he appoints a Deputy-governor, still retain the patronage of the Government of Bengal? The law has not, I think, settled that point.

503. Mr. *Hardinge.*] Does not the Lieutenant-governor of Agra retain the patronage of the North Western Provinces?—Yes, he does, I believe, but it is by arrangement with the Governor-general.

504. In the same way the Governor-general would have the power of giving to the Governor of Bengal all the patronage?—I think he might, under orders from the home authorities to that effect.

505. Do not you think great disadvantage would accrue from the patronage remaining with the Governor of Bengal permanently?—Disadvantage would arise from the Governor-general losing the right of appointing officers.

506. Mr. *Hume.*] Do you consider that the Governor-general, for example, during Viscount Hardinge's time, when he was employed in the Punjaub during the wars, could, at the same time, attend to the patronage in Bengal?—In his absence, I think, he generally allows the parties who administer the Government to exercise the patronage, except in political appointments.

507. Your observation refers to the period when he is absent?—Yes.

508. You state that the Acts of Council come into immediate force, but that they might be disallowed in coming home here; what is the nature of those particular Acts which may be so disallowed?—Any law which the Governor-general of India in Council passes may be disallowed.

509. Supposing an Act to have come into law which may have affected the pecuniary interests of any portion of the community there when it is disallowed, are the Acts which take place under that law valid, or are they rendered invalid,

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notwithstanding that the Acts have been declared by enactment to be of full force?—The Court of Directors may, with the approbation of the Board, disallow them.

510. Supposing the interests of parties to be injuriously affected at any time by such disallowance, will their interest be attended to, or will the matter pass as though nothing had happened?—I cannot imagine that such a case would occur, for the cases are very rare in which the Court of Directors interfere with any laws that are passed. In the event of their doing so, they would, of course, make such provision as might seem to be necessary to guard against injustice.

511. Lord *J. Russell.*] Are the limits very clearly defined of the powers of the Governor-general when he is absent from Calcutta, and those which remain with the Council?—They are defined by a local law passed for the occasion.

512. I wish to ask you to go back to another subject; have you any paper which would give the Committee the total number of clerks and other officers employed by the Company at home?—Such a paper has been called for, and will be prepared in a few days.

513. Has there been a considerable reduction in the number of clerks employed at the India House since 1833?—Very large.

514. Can you state to what extent that reduction has been?—The reduction has been from 686 persons to 281, exclusive of labourers; and the expense has been reduced from 212,077*l.* to 109,688*l.*

515. Mr. *Hume.*] That includes all commercial servants who were employed in warehouses, and so on?—Yes.

Veneris, 7° die Maii, 1852.

MEMBERS PRESENT.

Mr. Baring.	Sir William Molesworth.
Mr. Herries.	Mr. Milner Gibson.
Mr. Cardwell.	Viscount Mahon.
Sir Edward Colebrooke.	Sir R. H. Inglis.
Mr. Hildyard.	Mr. Vernon Smith.
Mr. Baillie.	Mr. Hardinge.
Viscount Jocelyn.	Mr. Plowden.
Mr. Hume.	Mr. Spooner.
Mr. Labouchere.	Mr. Alderman Thompson.
Mr. Cobden.	Mr. Bankes.
Sir James Hogg.	Mr. Gladstone.

THOMAS BARING, Esq., IN THE CHAIR.

Thomas Waterfield, Esq., called in; and Examined

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516. *Chairman.*] IN what situation are you in the Board of Control?—Senior clerk in the Political and Secret Departments.

517. Has that situation given you ample means of knowing the working of that department in connexion with the Government of India and the East India Company since the last Act?—Yes.

518. How long have you been at the Board of Control?—Since 1818.

519. You are aware that a paper was submitted to the Committee of the House of Commons on official salaries by Lord Broughton in 1850 explanatory of the system adopted by that Board, its constitution, and its duties; is that the paper (*the same being shown to the Witness*)?—It is.

520. Will you read it?

[*The same was read, as follows:*]

The Board of Commissioners for the Affairs of India was established by the Act of 24 Geo. 3, c. 25, 1784.

By that Act the Board was to consist of any persons, not exceeding six in number, being of the Privy Council, of whom one of the Secretaries of State and the Chancellor of the Exchequer were always to be two.

From

The constitution of the Board was altered by the 33 Geo. 3, c. 52, 1793, so as to admit any number of Privy Councillors (of whom the two Principal Secretaries of State and the Chancellor of the Exchequer were always to be three), and any other two persons.

And by the latest Act on the subject, c. 85 of the 3 & 4 Will. 4, 1833, the Sovereign may appoint as Commissioners any number of persons, whether of the Privy Council or not; and it is provided that the Lord President of the Council, the Lord Privy Seal, the First Lord of the Treasury, the Principal Secretaries of State, and the Chancellor of the Exchequer, shall be, by virtue of their respective offices, members of the Board.

It was not till 1793 that any sum was assigned by Parliament out of the revenues of India for the expenses of the Board.

From that period to 1834, the officers, being Members of one of the Houses of Parliament, who received salary in consequence of their connexion with the Board, were

The President,
Two other Commissioners, and
The Chief Secretary.

Since 1834, such officers have been

The President, and
Two Parliamentary Secretaries.

In 1793, the salary of the President was 2,000 *l.* a year, and that of the two other Commissioners and the Chief Secretary, 1,500 *l.* each.

In 1811, the salary of the President was raised to 5,000 *l.*, and in 1818, that of the Secretary to 1,800 *l.* In 1831, the President was reduced to 3,500 *l.*, the two other Commissioners to 1,200 *l.* each, and the Secretary to 1,500 *l.*

In 1834, when the two puisne paid Commissioners were abolished, and another Parliamentary Secretary appointed, the salaries were fixed at 3,500 *l.* for the President, and 1,500 *l.* for each of the two Parliamentary Secretaries.

In 1834, the office establishment of the Board consisted of

One assistant secretary,
Six senior clerks,
Six assistant clerks,
Twelve junior clerks,
One clerk, originally appointed for granting licences under the East India Act of 1813.

In 1838, the last-mentioned clerkship was abolished, and in 1835 the office of assistant secretary was abolished as a separate office.

The establishment now consists of

Six senior clerks,
Six assistant clerks,
Thirteen junior clerks.

It has been stated above, that the India Board was established in 1784; but the superintendence of the King's government over the administration of India commenced in some degree, three years earlier.

By the Act of 21 Geo. 3, c. 65, 1781, the Court of Directors of the East India Company were required to deliver to the Lords Commissioners of His Majesty's Treasury a copy of all orders which they intended to send to India, relating to the management of the revenues of the Company, and to one of the Principal Secretaries of State, a copy of all intended orders relating to the civil and military affairs and government of the Company; and the Court were bound to obey such instructions as they might receive from one of the Secretaries of State, so far as related to the transactions of the Company with the country powers in the East Indies, and also to the levying of war and making peace.

By the Act of the 24 Geo. 3, c. 25, 1784, the Board of Commissioners was established for the better government and security of the territorial possessions of this kingdom in the East Indies; and the Board was authorised to superintend, direct, and control all acts, operations, and concerns which in anywise relate to the civil or military government or revenues of those possessions; and, to the intent that the Board might be duly informed of all transactions of the Company in respect to the management of their concerns in the East Indies, it was enacted, that all the members of the Board should, at all convenient times, have access to all papers of the Company, and should be furnished with such copies thereof as they should require; and that the Court of Directors should deliver to the Board a copy of all minutes, orders, resolutions, and other proceedings of all courts, so far as relate to the civil or military government or revenues of British India; and also a copy of all despatches which the Directors should receive from any of their servants in the East Indies; and a copy of all letters, orders, and instructions whatsoever, relating to the civil or military government or revenues of British India, proposed to be sent by the Directors to any of the servants of the Company in the East Indies; and that the Directors should be bound by such orders as they should receive from the Board on those subjects, which orders were to be signified within a certain specified time.

It was thus required that the King's Government should not only have cognizance of the orders of the Directors, but should express a positive opinion upon them; and that no despatch relating to the subjects mentioned should be sent to India without the previous sanction of the Board.

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The control of the Board was somewhat extended by the Legislature between 1784 and 1833; and, in the last mentioned year, under the Act 3 & 4 Will. 4, c. 85, 1833, their powers and duties were considerably augmented: they were invested with full authority to superintend, direct, and control all acts, operations, and concerns of the East India Company which in anywise relate to the government or revenues of the British territories in India, and all grants of salaries, gratuities, and allowances, and all other payments and charges whatever, out of or upon the said revenues, with a few specified exceptions; and it was enacted, that no orders, instructions, despatches, official letters or communications whatever, relating to the said territories or the government thereof, or to any public matter whatever, shall be sent or given by the Directors, until the same shall have been approved by the Board.

Under this Act, an important change was effected by the transfer, to the Board, of the control of the Home Treasury of the East India Company, which, with the exception of certain political charges paid in England, had been vested in the Court of Directors so long as the Company carried on trade with India and China.

The remittances from the revenues of India for the supply of that treasury amount to about 3,500,000 *l.* annually; and the realization of that amount, and the expenditure of a great part of it, not settled by Act of Parliament, requires the supervision and sanction of the Board.

The extent and importance of the duties of the Board under this last Act may perhaps be best understood from a statement of the few subjects connected with the administration of India, which the Legislature has still kept from their control.

The Board have not the power of appointing, or of preventing the dismission of, any of the servants of the Company, but their sanction is required for the number of civil and military officers annually appointed. They have not the power of directing or interfering with the officers and servants of the Company employed in the Home Establishment, but their sanction is required for the total sum to be annually expended in the salaries and expenses of that establishment. They cannot order the payment of any extraordinary allowance, or increase any established salary, but their sanction is required for any such payment or augmentation, and they can order any reduction of salary, except as to the Company's Home Establishment.

It is not necessary for the Court of Directors to submit for the consideration of the Board their communications with the officers or servants employed in the Home Establishment, or with the legal advisers of the Company; but all other communications made by the Court of Directors, whether to departments of Her Majesty's Government, to other public bodies, or to individuals, are subject to the control of the Board.

The principal duty, however, of the Board, is the superintendence of the despatches sent to India.

The following is the mode in which this superintendence is conducted.

The general business of the office is divided into six departments:—

1. Revenue.—To which belongs all matters relating to the assessment and collection of the revenues of India.
2. Finance and Accounts.—Taking cognizance of the public expenditure, remittances of revenue, and the management of the mints of the three Presidencies.
3. Military.
4. Marine, Ecclesiastical, and Public or Miscellaneous.
5. Political.
6. Judicial and Legislative.

To each of these departments are attached a senior clerk, an assistant clerk, and one or more junior clerks; and each of the secretaries takes under his supervision three of these departments.

There is, besides these, the Secret Department, which is under the immediate management of the President himself. The despatches in this department are prepared by him, and not at the India House; and, for the preparation of those despatches, it will readily be understood that the events of late years have rendered necessary the careful perusal of a very voluminous and important correspondence.

In all the other departments the despatches are prepared at the India House. A proposed despatch comes to the Board, first, in the shape of what is technically called a "previous communication;" that is, the Chairman of the East India Company communicates his views to the President, previously to submitting them to the Court of Directors. The "previous communication" is accompanied by one or more "collections," that is, volumes of papers, containing all the correspondence which has passed between the various officers in India, or between England and India, on the subjects treated of in the proposed despatch. The "previous communication" is sometimes a bulky document; and the accompanying "collections" often extend to a considerable number of pages. A financial despatch has 416 folio pages. Mr. Canning mentioned in the House of Commons one in the Military Department, to which were attached 13,511 pages of "collections;" and there has recently been one in the Revenue Department with 16,263.

In the same department there was, in 1845, a despatch to which there appertained more than 46,000 pages of "collections;" and the senior clerk's notes on which occupied 49 closely written sides of folio paper.

When

When the "previous communication" is received from the India House, it is referred, with the accompanying "collections," to the senior clerk of the department to which it may belong. It is his duty to make himself acquainted with the contents of the papers, to see that the facts are properly set forth for the consideration of his superiors, and to offer such comments as may appear to him right on the decision or opinion which it is proposed to give. The "previous communication" is then, with the notes and comments of the clerk, laid before the secretary under whom the particular department has been placed. He reads these papers, and, if not satisfied with them, he refers to the "collections." Having formed his opinion, he expresses it in writing; and the papers are, with that opinion, submitted to the President.

The President in like manner reads the "previous communication," and all the notes and comments which have been written upon it, and, if necessary, refers to the "collections." Having considered these various papers, he gives his decision; that decision may be entire approval of the "previous communication;" the cancelling of it, on the ground that it is not advisable to give any opinion on the subject; the substitution of other paragraphs in place of those proposed; or the partial alteration of them, in greater or less degree. The "previous communication" is returned to the clerk, in order that the President's decision may be carried into effect, and it is then sent back to the Chairman, together with the "collections."

This plan of "previous communications" has been found very advantageous to the conduct of the public business, by enabling the Board to exercise, with much less of controversial discussion, their invidious duty of controlling the proceedings of the 24 Directors.

When the "previous communication" is returned to the India House, the Chairman takes into his consideration the alterations made by the President; perhaps he acquiesces in them; perhaps he entirely dissents from them; perhaps he is inclined to a modification of them; in whatever way he decides, the proposed despatch is copied in conformity thereto, and is submitted to the whole body of Directors. In the Court it may receive further alteration; and when it has passed that ordeal, it is sent with the "collections" again to the Board, in the form now technically called a "draft." This "draft" is compared in the proper department at the India Board, with the "previous communication," as settled by the President. If they agree, that fact is reported by the senior clerk, and the formal approbation of the Board to the proposed despatch is signified to the Court as a matter of course. If the "previous communication" and the "draft" do not agree, the variations are specified. Reference is, if necessary, again had to the "collections;" comments are again made; the President must again peruse the papers, and, after such further consideration, decide whether to alter the "draft" or not. If, however, he alter it, the reasons for alteration must be stated in a formal letter to the Court. Should they not be satisfied with those reasons, they address to the Board a letter of remonstrance, and that letter must then be considered and answered. When the discussion is at an end, and the despatch has been transmitted to India by the Court of Directors, a copy is sent to the Board, in order that they may see that their final instructions have been obeyed.

When there seems little probability of a difference of opinion (which expectation, however, is occasionally disappointed), and sometimes for other reasons, the stage of "previous communication" is dispensed with. But the "draft" still undergoes a strict examination. So that it may be said with confidence that no despatch from the Court of Directors leaves England for India without having been actually read in some shape or other by the President of the Board.

The Court have much correspondence relating to their servants, civil and military, when on furlough in this country, and to other subjects, the tenor of which must, on the part of the Court, be conformable to established rules and regulations. The Board have considered that it would be a mere waste of time and money to insist on such correspondence being laid before them. But it may be stated generally, that every letter intended to be sent by the Court to any person in this country, which does not come strictly within the line of precedent, or which has any bearing on the policy, or expenditure, of the Court is, previously to its transmission, submitted to the Board; and that, at the Board, it undergoes precisely the same kind of examination, criticism, and deliberation, as if it were the "draft" of a despatch to India.

This portion of the business of the Board has been much increased since the last East India Act came into operation in 1834; and, indeed, that Act, combined with the modern rapidity of communication with India, and the extension of British territory in that part of the world, has greatly augmented the general business of the Board.

That this is the fact will be plainly seen on an inspection of the tabular statement appended to this memorandum. According to that statement, there were despatches from the several Governments in India, in—

1830	602
1849	2,445

"Previous communications" submitted to the Board—

1830	173
1849	404

"Drafts"

* In 1830 there were—Commercial drafts, 40; St. Helena drafts, 13; which have ceased; so that the comparison should be with 564.

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"Drafts" of despatches to India submitted to the Board, in—

1830	617*
1849	909

"Collections" of papers appertaining to the "Previous Communications" or "Drafts," in—

1830	1,440
1849	5,729

Number of pages in the collections—

1830	103,710
1849	212,075

"Secretarial Letters," that is, letters which have passed between the Board and the Court, the Board and other departments of Her Majesty's Government, or the Board and individuals, in—

1830	1,000
1849	1,532

Being an increase of one half.

In addition to the duties before detailed, the President has to communicate frequently in private with almost every other department of Government; and, since the year 1811, he has always been a member of the Cabinet.

He finds it, moreover, indispensable to the due discharge of his functions to carry on an uninterrupted correspondence with the Governor-general of India, and other high functionaries, which occupies no small portion of his time."

521. Sir *R. H. Inglis.*] In that Paper the number of pages of the different documents is given; what is the number of words in a page?—It varies; there is no prescribed number.

522. Is it, in other words, an attorney's page, or is it a *bonâ fide* page?—It is *bonâ fide* page, and, sometimes, the document is written on very large paper.

523. Mr. *Herries.*] And usually it is written in a very small hand?—Yes.

524. *Chairman.*] If that Statement is substantially correct as regards the composition of the Board at that time, can you state any alterations since that period that have been made?—There is only one alteration. The establishment of the India Board, consisted of 13 junior clerks. Lord Broughton reduced the number by one. The establishment is now 12 junior clerks; in other respects it remains the same.

525. The money necessary for the maintenance of the Board of Control comes, I believe, from the East India Company, as authorized by the Act of Parliament, and is limited to 26,000*l.* a year?—Yes.

526. How much of that is now required?—The amount drawn in 1851 was 23,200*l.*

527. That Statement gives a distinct account of the proceedings for the ordinary despatches. Has the Board of Control the power of obliging the Court of Directors to transmit any despatch, speaking now of ordinary despatches, as distinct from secret despatches?—If the Court of Directors were to refuse to transmit a despatch, the Board would have no other power than that of applying for a mandamus to compel them to do so. With regard to Previous Communications, perhaps it would be well to state that, as the Previous Communication from the Chairman to the President is merely a suggestion from the Chairman to the President of the way in which the Chairman thinks that the despatch or letter should be answered; so the alterations made in the Previous Communication by the President are merely suggestions back again from the President to the Chairman of the way in which the President thinks that the Draft should stand. There is nothing authoritative till the proposed despatch is in the form of a Draft: what passes is considered on both sides merely as suggestions.

528. Have you ever known an instance of a mandamus being applied for by the Board of Control?—Not since the Act of 1833 came into operation; there was some discussion with regard to a mandamus at an anterior time; but there has been no discussion upon such a subject since the Act of 1833 has been in force.

529. Can you state what is the ordinary time that elapses between the receiving of the first Previous Communication and the return of the approved Draft, in the case of an ordinary despatch?—The Previous Communications in the Political department in the last year, 1851, were detained at the Board various times; in some cases only for one or two days; and there was but one instance in which a Previous

a Previous Communication was at the Board for a month. The ordinary time which elapses between the return of a Previous Communication to the India House, and the proposed despatch coming up in the shape of a Draft, appears to be from one month to five or six weeks.

530. Will you state to the Committee, with regard to the secret despatches, what is the course adopted?—The secret despatches from India are addressed to the Secret Committee of the Court of Directors, because, in fact, the Government in India, under the Acts of the Legislature, know nobody in this country except the Court of Directors or the Secret Committee. The despatches are sent in duplicate; one copy for the Secret Committee, which is retained at the India House, and one copy for the Commissioners of the affairs of India, which is immediately sent to the senior clerk in their Secret Department. It is his duty to prepare a precis of all the letters and the enclosures; he lays that precis before the President, together with the papers; upon which the President gives him instructions; sometimes orally; sometimes, the President writes upon the documents a short instruction, which is to be turned into the form of a letter; and sometimes, and very frequently, the President himself drafts the whole letter with his own hand. The draft is then copied in the official form, and is sent to the Secret Committee, with instructions that a despatch shall be sent to India, according to the tenor of the draft; and a despatch is so sent from the Secret Committee by the next mail.

531. Have the Secret Committee any right to refuse to forward that despatch if it be not within the limits of the Act of Parliament with reference to secret despatches?—The Act of Parliament does not give to the Secret Committee any power to refuse to send out the despatch. The Act of Parliament says that if the Board consider that any of their deliberations relating to such and such subjects shall be of a nature to require secrecy, they may require the Secret Committee to send out the Board's despatches, without disclosing the same.

532. If the Secret Committee object to the tenor of those despatches, what power have they?—They have no power. But, occasionally, it has happened that there has been a private communication between the Chairs and the President with respect to such despatches. Perhaps they have desired to have a paragraph altered; but the expression of their wish has been considered by the President as a mere suggestion, and not as a matter which he is bound to attend to or deliberate upon. Of course, he always does so as a matter of courtesy.

533. Are there any limits to the power of the Board to forward a secret despatch through the Secret Committee?—If the Secret Committee were to agree with the President that it would be desirable to send a despatch through the Secret Committee, I do not know that there would be any limit.

534. I thought it was limited as to questions of peace and war?—The Act is put in this way: if the Board consider that any of their deliberations touching the policy to be observed towards any state or prince are of a nature to require secrecy, they may send their despatches to the Secret Committee, who shall forward them without disclosing the same; if they are not touching the policy to be observed towards any prince or state, perhaps the Secret Committee would have the power of sending them, but it would not be obligatory upon them not to disclose the same.

535. To whom does it mean that they are not to disclose the same?—Those are the words used in the Act of Parliament; probably the meaning is that they are not to make the despatches known to the Court of Directors.

536. Mr. *Herries.*] That they were not to make them known out of the Secret Department of the India House?—Yes.

537. Mr. *Hume.*] Do you know whether all the parties connected with the Secret Department of the India House are sworn to secrecy or not?—I believe at the India House they are all sworn, but not at the India Board.

538. Who is clerk of the Secret Department?—I am the senior clerk.

539. Do all the secret despatches from the India House come to you?—Yes.

540. Do you take an oath of secrecy?—No.

541. Does anybody in that department take an oath of secrecy?—It was formerly the case; but it has not been so of late years. The clerks, however, consider themselves as much bound as if they had taken an oath of secrecy.

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542. Then no party to whom the information may come in the India Board is sworn to secrecy?—No.

543. *Chairman.*] We understand that the power of the Board is to desire the Secret Committee to forward with secrecy any despatch whatever?—If the Secret Committee agreed with the Board that it would be desirable to forward any despatch with secrecy, there seems to be nothing in the law which would prevent them from doing so.

544. Mr. *Herries.*] Is there anything in the law which compels them to do so if the secret despatch be, in the judgment of the Secret Committee at the India House, not within the provisions of the law to which the secret business is limited?—What the law says is, that if the Board's deliberations relate to the policy to be observed towards any state or prince, they may send a secret despatch. If the despatch do not relate to such subjects, the Secret Committee may refuse to send the despatch.

545. Supposing, for the sake of example, a despatch were sent out to India from the Board of Control, which related only to financial regulations, and it were addressed to the Secret Committee, would it not be in the power of the Secret Committee at the India House to declare that it was not within the limits of the provisions relating to secret despatches, and that therefore they would make it public?—It would be in their power to refuse to send it. The President of the Board could not send it himself, and the Secret Committee might refuse. But very possibly it might be desirable to send some financial instruction through the Secret Department; and if the Secret Committee agreed with the President that such a despatch should be sent through the Secret Department, they would seem to have the power to send it, though it did not come under the words "touching the policy to be observed to any state or prince."

546. If I understood you rightly, except within the limits of the provisions of the Act of Parliament relating to the Secret Committee, it is within the discretion of the Chairman and Deputy Chairman, when they receive a despatch, to forward it or not, or to suggest to the Board of Control that it should go through the Public Department?—Yes.

547. Mr. *Hildyard.*] I understood you in the first instance to state that the words of the Act are, that if the Board shall consider any matter to be the subject matter for a secret despatch, it shall be so treated?—The words of the Act are, that if the Board shall consider any of their deliberations touching the policy to be observed towards any prince or state to be of a nature to require secrecy, they may send the despatch to the Secret Committee, who shall forward it without disclosing the same.

548. There are the words, "if the Board shall consider," &c.; does not that vest in the Board the absolute right of determining what does constitute a proper subject for a secret despatch?—It applies to the deliberations touching the policy to be observed towards any prince or state; it does not say their deliberations touching the government of India generally.

549. You do not consider that the words "if the Board shall consider" vest in the Board an absolute discretion of determining those matters?—Only a discretion within the terms used in the Act.

550. Viscount *Jocelyn.*] Will you read the clause of the Act?—This is the 36th section of the 3 & 4 Will. 4, c. 85: "Provided also, and be it enacted, that if the said Board shall be of opinion that the subject matter of any of their deliberations concerning the levying war or making peace, or treating or negociating with any of the native princes or states in India, or with any other princes or states, or touching the policy to be observed with respect to such princes or states, intended to be communicated in orders, despatches, official letters, or communications to any of the Governments or Presidencies in India, or to any officers or servants of the said Company, shall be of a nature to require secrecy, it shall and may be lawful for the said Board to send their orders, despatches, official letters, or communications to the Secret Committee of the said Court of Directors, to be appointed as is by this Act directed, who shall thereupon, without disclosing the same, transmit the same according to the tenor thereof, or pursuant to the directions of the said Board, to the respective Governments and Presidencies, officers and servants; and that the said Governments and Presidencies, officers and servants, shall be bound to pay a faithful

faithful obedience thereto, in like manner as if such orders, despatches, official letters or communications had been sent to them by the said Court of Directors."

551. *Chairman.*] The Secret Committee have no power of remonstrating?—There is no such power given to them by the Act of Parliament.

552. But practically they have an opportunity of stating their objections, if they entertain any?—The President of the Board has been of opinion that he could not receive any remonstrance.

553. Mr. *Vernon Smith.*] Are not most of these matters, in fact, transacted at the weekly meetings of the President and the Chairs?—Such a meeting might not take place between the arrival of the President's Draft at the India House and the departure of the mail for India.

554. But supposing an objection or remonstrance to be made, it would be made, not formally in writing, but in private conversation between the President and the Chairs?—That might be the case; but the despatches which go out through the Secret Committee are generally written, and necessarily so, a very short time before the mail goes; and the usual meeting between the President and the Chairs might not occur before the despatch went out.

555. Mr. *Labouchere.*] When you say that the President would not receive a remonstrance from the Secret Committee, you mean a formal remonstrance?—Certainly.

556. You do not mean to say that he would not consider it his duty to attend to a representation made by the Secret Committee?—By no means. It was stated that there were instances in which the President attended, as a matter of of courtesy, to objections offered; but it was intended to draw the distinction between the two cases. The Act of Parliament gives to the Court of Directors the power of making a representation against any alteration made by the Board in a Draft prepared by the Court; but it does not give to the Secret Committee any such power of representation.

557. Mr. *Herries.*] The previous communication which might take place, as has been suggested in the preceding questions, would be between the Chairs of the East India Company and the President, supposing them to take place at all, and not between the President and the Secret Committee?—Yes.

558. Viscount *Jocelyn.*] Is it not the fact that most of those matters are talked over in the course of conversation between the President and the Chairs previously to the despatch being framed. You mean that after the despatch is framed there is generally no discussion between the Chairs and the President?—The Chairs and the President frequently do not meet between the receipt of a secret letter and the preparation of the reply.

559. Sir *E. Colebrooke.*] The degree in which the President would consult any of the Court of Directors would depend upon the confidence that he had in them, and the degree of weight which he attached to their opinion?—If the President were to draw up a despatch, and send it with the usual announcement that it was to be forwarded, and the Secret Committee were to be of opinion that the despatch was impolitic, no doubt the Chairs would feel it their duty to come to the President immediately, and represent the case to him.

560. *Chairman.*] The Secret Committee have no means of recording their dissent?—No means which the President of the Board would necessarily recognise as official.

561. In case they positively refused to send the despatch, the only remedy that the Board of Control would have, if I understood you rightly, would be to sue for a mandamus?—It appears that there is no other remedy; the President of the Board cannot send out instructions himself; if he did send out instructions, the Government of India would not be bound to obey them; they are only bound to obey the instructions which proceed from the Court of Directors or the Secret Committee; in fact, the East India Company, whose orders are communicated by the Court of Directors, is the only authority known in India.

562. Do the Board of Commissioners ever sit as a Board?—Not now; but in early times it seems to have been the case, and there are books in the office which contain minutes of meetings of the Board; in later years also there were occasional meetings of the Board, when the Board consisted of a President and

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two paid Commissioners; but since the time that the only paid Commissioner has been the President, there has been no instance of their meeting as a Board.

563. You would consider that the President of the Board of Control is at the head of his department like the Secretary of State, or the head of any other state department, and transacting the business upon his own responsibility, with a reference, as in other cases, to the other members of the Cabinet, when necessary? —Precisely so; the only circumstance with reference to the mode of conducting the business at the India Board different from what it would be in a Secretary of State's department is, that the Legislature has said that two members of the Board shall be competent to transact the business of the Board; the consequence is that it has been thought advisable always to obtain, to the official document which is the authority for the secretary to communicate the Board's decision to the Court of Directors, the signature, in addition to that of the President, of another member of the Cabinet, one of the *ex officio* Commissioners. It is a very great trouble to such Commissioner to sign the numerous papers, and it is a very great trouble to obtain the signature, but it has always been thought right to do so.

564. Those two signatures do not go to the Court of Directors?—No; the Board's authority to the Court of Directors is communicated under the signature of one of the secretaries of the India Board, or of the assistant secretary.

565. Mr *V. Smith.*] When you say that it is a very great trouble to induce them to sign them, you do not mean that they ever object?—By no means; but it is a mere matter of form, and is troublesome without any apparent advantage.

566. Mr. *Hume.*] Do I understand you to say that notwithstanding section 21 of the Act of the 3d & 4th of William the 4th directs the Board to be formed of one or more Commissioners, such a Board has never been formed?—There has not been any meeting of the Board, if the question implies a meeting like the meeting of this Committee.

567. I mean such a Board as is prescribed by the 21st section of the Act?—There has not been more than one member appointed for some years; the only person appointed by commission from the Sovereign is the President; the other members of the Board are members *ex officio*; there is no member of the Board at present, in addition to those who are *ex officio* members, with the exception of the President.

568. By the 23d section it is provided, "that the Board shall and may nominate and appoint two secretaries;" is that done?—Yes, that is done under the hands of two members of the Board.

569. One of those being the President?—The present secretaries were not appointed under the hand of the President of the Board; nor is it usual on a change of government that the secretaries should be so appointed, because the President of the Board cannot be installed in office until a new commission be issued, but the *ex officio* members of the Board are members as soon as they assume their own offices: for instance, the Secretaries of State are members of the Board, as soon as they receive the seals; and then they can come to the India Board and appoint the secretaries; so that, in fact, the old President of the Board stands on the establishment of the office with the new secretaries, probably for a week.

570. You have not answered the question I put, which is this, who appoints the joint secretaries agreeably to that section of the Act?—Any two members of the Board may appoint the secretaries of the Board.

571. You say there has never been a meeting of the Board; how, then, can they appoint the secretaries?—There is a minute drawn up appointing the secretaries.

572. By whom is that minute drawn up?—It is drawn up in the office.

573. Take the last case of the appointment of secretaries, who appointed them? —Mr. Baillie and Mr. Bruce were appointed by the Secretary of State for the Home Department, and the Secretary of State for the Colonial Department; they are *ex officio* members; and after they had made the declaration which is necessary to enable them to act as members of the Board, they could appoint the secretaries.

574. Was that appointment of the secretaries by those persons made after Her Majesty's commission had appointed them?—They are not appointed *ex officio* members of the Board by any commission from Her Majesty.

575. The

575. The Act says, that "Her Majesty, by any letters patent, or by any commission or commissions, shall nominate and appoint from time to time commissioners for the affairs of India?—Her Majesty has only appointed the President; but, by the 20th section of the Act, certain officers of State are *ex officio* members of the Board; in fact, the Board never consists of less than eight members, but the President is the only one who has of late years been appointed by Her Majesty's commission.

576. Are we to understand from you that, in the last instance, the President for the time being did not sign the appointment of the secretaries:—Certainly not; the secretaries were in office some days before the President was formally in office.

577. Mr. *Herries.*] The reason of that being, that the commission of the President was not at that time prepared?—Yes; the commission under the Great Seal takes a much longer time to prepare than is occupied in the mere delivery of the seals to the Secretaries of State.

578. Mr. *Hume.*] If the members of the Board are appointed under the Great Seal, how can any parties appoint the secretaries before such a commission is issued?—The appointment of the *ex officio* members does not depend upon Her Majesty's commission. Parliament has enacted that certain officers shall be *ex officio* members of the Board, and the instant a person becomes Secretary of State he is an *ex officio* member of the Board, without any further indication of the pleasure of Her Majesty than has been given by Her Majesty having delivered to him the Seals as Secretary of State.

579. Mr. *Herries.*] The Secretary of State and the other Cabinet Ministers that you have named become members of the Board by the mere act of accepting the office of Secretary of State, or the other offices?—Yes; but they cannot act as members of the Board without making the declaration prescribed by the Act of Parliament; that must be made before a member can act as such.

580. Mr. *Hume.*] Do I understand that you, as being clerk of the Secret Department, know all the despatches that are received by the Court of Directors, and that are sent out by the President?—All the despatches received by the Secret Committee, or sent out in the Secret Department.

581. Is there any record kept of those, so that a successor coming in may know at what time and under what circumstances any secret orders are given?—A copy is entered in the books of the department, and the despatch which the President signs is also preserved.

582. In whose custody are those books?—In that of the senior clerk of the department.

583. By whom are the entries made?—By one of the clerks in the department.

584. There are two secretaries; are they made cognizant at the time of the secret despatches?—The custom in that respect has varied; sometimes they have been, and sometimes they have not been, made cognizant of them.

585. What was the custom in 1834?—I cannot speak to the custom in 1834. I was not appointed to the department till 1839.

586. In 1839 who was President?—Lord Broughton.

587. What was the practice at that time; were the Secretaries made acquainted with the secret despatches?—No.

588. In the last year were they made acquainted with them?—When Lord Broughton was created a peer he thought it desirable that the secretaries should know the secret despatches, and they were communicated to the secretaries; but Lord Broughton considered that if the President were in the House of Commons he was ready to answer any question that might be asked there, and that therefore it was not necessary that the secretaries should see the secret despatches.

589. Up to that period, Lord Broughton, being himself in the House of Commons, exercised the power of giving any explanation, and the secretaries at that time were aware of the secret despatches?—Possibly they were aware of some of them, but it was no part of the duty of the clerk to communicate the despatches to the secretaries.

590. When you took charge of the department in 1839, books were handed over to you as records of preceding despatches?—The books which belonged to the Secret Department were handed over to me.

591. They were regular books?—Yes.

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592. And they remain now?—Yes.

593. And in your custody?—Yes.

594. And you are cognizant of all the proceedings, though the secretaries are not?—They are cognizant of them, because the President has given me instructions that the secret despatches shall be communicated to the secretaries.

595. That is since the change of Government?—Yes.

596. But between 1839 and the time when Lord Broughton became a peer, the secretaries were not aware of the despatches?—That was not the case during the whole of that time.

597. Can you state any change which took place in the practice?—When Lord Ripon was President, as he was a peer, there was the same reason for his enabling the secretaries to know what was passing in the Secret Department as there was when Lord Broughton became a peer.

598. Do any of the secretaries ever attend the President in any consultation respecting the Secret Department?—The consultations between the President and the Chairs are private; but, if necessary, the President would send for any one of his officers whom he pleased, from the highest to the lowest.

599. Do you attend the meetings between the Chairs and the President on secret matters?—No; and no secretary attends those meetings. Mr. Canning once desired Mr. Courtenay, who was then secretary, to be present, but the Chairs objected to the secretary attending.

600. Have you the secret orders that were sent out to India respecting the proceedings in Afghanistan recorded in the books that you have in your custody?—Whatever orders have been sent out through the Secret Committee remain in the books which are preserved in the office.

601. We understand from you that all secret despatches sent out to India by order of the President are recorded?—All are recorded; there is a double record of them at the India Board; they are entered in a book, and the despatch is also preserved in the shape in which it has been signed by two members of the Board: there is a similar record at the India House; there are, no doubt, two copies there; the copy sent to the India House, and a copy entered in a book.

602. Do you know whether the despatch sent up from the Court of Directors, as originally prepared, is put on record, and also whether the despatch as altered and sent out is kept on record. The President may draw up a despatch, and submit it to the Secret Committee, and that despatch in the Secret Department may have been altered; have you a record of what it originally was, and what it was as sent out ultimately?—It is probable that in such a case there would not be a record of the change made by the President.

603. Your despatch, whatever it may be, is that which is ordered to be carried into execution?—Yes. The President, if he made alterations at the request of the Chairs, would still consider that they were made by his own direction; there would be no record kept that the Chairs had suggested them; and in fact the origin of the alteration might not be known to the clerk.

604. You stated that every despatch received a short examination in the Secret Department; by whom is that examination made?—Of every despatch received and of all the papers accompanying it, a precis is made.

605. By whom is that precis made?—It is made by the senior clerk of the Secret Department.

606. How many clerks at present are there in the Secret Department?—Three junior clerks and a senior clerk.

607. Are the junior clerks sworn to secrecy?—No.

608. Have they access to all the documents?—They have; but the documents are under lock.

609. Mr. *Labouchere.*] Did you ever know any evil to arise from the indiscretion of anybody connected with the Secret Department at the India Board?—Not the least; I am confident that no evil ever did arise.

610. Mr. *Hume.*] You have stated that the President carried on an uninterrupted correspondence with the Governor-general of India?—It is mentioned in the statement read to the Committee.

611. Can you state whether that uninterrupted correspondence between the President and the Governor-general is on record?—It is not.

612. Mr. *Hardinge.*] Is it not a private correspondence?—Entirely private.

613. Mr.

613. Mr. *Hume.*] Is that correspondence kept in the office, or is it taken away on the change of Government?—It is quite private, and therefore taken away.

614. Has the new President of the Board any means of knowing what that correspondence was?—No means whatever.

615. That private correspondence is not known to you?—It is not known to the department officially: if the letters are shown, the showing is a confidential communication on the part of the President.

616. Viscount *Mahon.*] Have you ever known cases where such private letters have been put on record, and left among the archives of the India Board?—It is possible that for a particular reason some letter of a demi-official nature, received in that way, may have been placed on record; but the correspondence, generally speaking, is of a strictly private character.

617. Mr. *Herries.*] Are you aware that on the occasion of changes in the appointment of the President of the Board, with regard to private letters addressed from India by the Governor-general to the President who has left office, as a matter of courtesy it has been usual for the ex-President to communicate such private letters as he thought it right to communicate to his successor for his information?—Lord Broughton has communicated such letters to the present President; and no doubt a similar course has been followed in other cases.

618. The letters are returned without any official record being kept of them, as being a mere courteous communication of matters which the ex-President thinks it right that the President of the Board should be put in possession of?—Yes.

619. Mr. *Hume.*] You were asked a question respecting the expenses of the India Board; when money is given to the Board, is an account rendered?—The assistant secretary gives an account to the President from quarter to quarter, and the President signs that account.

620. Is any account made to the India House of the money expended?—No; the money is obtained from the India House by the President certifying every quarter that a certain sum is required for the expenses of the Board for that quarter.

621. And then that money is paid by the Court of Directors?—Yes; of course the Court of Directors take care that the annual sum shall not exceed the limit prescribed by the Act, 26,000 *l.*

622. Provided it is under that limit, no question is asked by the Court of Directors?—No; they have no right to ask any question.

623. The 22d section of the Act says, "And be it enacted, that if the Commissioners present at any Board shall be equally divided in opinion with respect to any matter by them discussed, then and on every such occasion the President, or in his absence the Commissioner acting as such, shall have two voices, or the casting vote;" do I understand you that no such Board has ever been held?—No such Board has been held since the passing of the Act of 1833.

624. Mr. *V. Smith.*] You stated that at present there was an undrawn amount of the sum that is allowed to the Board of Control; what becomes of that amount which is not drawn?—It merges in the revenues of India.

625. It is not kept for any future occasion of emergency when it may be required?—No; it rests with the Court of Directors whether any account is kept of the sums not drawn.

626. As to the alteration of the constitution of the Board of Control, you stated that it had been altered by the Act of 1833; previously to that time there were two paid Commissioners and one secretary, and since that there have been two Parliamentary secretaries; did that Act increase the powers or duties of the Board?—With regard to the political powers of the Board, the last Act made very little alteration; if the Committee would order the different clauses of the Acts of Parliament relating to the political government of India to be printed in parallel columns, they would see that there has been very little increase of political power since 1784. Under the Act of 1784 the Board of Control were to superintend all matters relating to the civil or military government of India or the revenues; those words are extensive in their signification; and the powers of the Board, politically speaking, were very little enlarged by the Act of 1833.

627. Will you furnish such parallel columns of the powers under the two Acts

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as you have mentioned?—Yes; the great alteration made with regard to the powers of the Board in the Act of 1833 was, that that Act gave to the Board a control over the home treasury of the East India Company.

628. As to the labours of the Board, has there been any alteration?—The Paper read to the Committee shows how the work has increased since 1830; and there is a table at the end of the Paper which shows how the business of the Board, so far as it can be reckoned by the number of documents, has increased from year to year.

629. What were the duties of the paid Commissioners who were abolished by the Act of 1833?—That very much depended upon the individual; if a Commissioner took an interest in Indian affairs, he could find much to do. When Lord Binning, the present Lord Haddington, was a Commissioner, he took very great interest in Indian affairs, and all judicial papers were submitted to him. There have been other similar instances; but very often the Commissioners were but little employed in the office.

630. If the Commissioner took no interest, there was nothing absolutely forced upon him?—It was not absolutely necessary that he should take a share in the work of the department.

631. As to the substitution of two Parliamentary secretaries for one Parliamentary secretary and an assistant secretary, the assistant secretary was abolished by the Act?—The office of assistant secretary, as a separate office, was abolished by a minute of the Board, but not by Act of Parliament.

632. But it has been abolished since the Act of Parliament?—Yes, as a separate office.

633. With reference to the secretaries, do you consider that the present constitution of the Board is the best, or do you consider that it would be better to return to the old system, and have a Parliamentary secretary and one assistant secretary?—That would be in fact reducing the two Parliamentary secretaries to one, because the present assistant secretary does everything which the assistant secretary necessarily did when the office was a separate office.

634. But the present assistant secretary is not a separate officer, but the change that has been made has been that an additional stipend is given to the chief clerk?—Yes; for his additional work; he is responsible for the discipline of the office; he keeps the accounts, and so forth; and he is also required to perform the duties of the senior clerk of a department.

635. In your opinion would it be better to have an assistant secretary who would have no Parliamentary duties to perform?—I do not know that I am competent to give an opinion upon that subject; but, all things considered, (of course there are considerations in the arrangement which do not apply specifically to the India Board), it does not appear disadvantageous to the India Board, and it must be better for other Government purposes, that there should be two Parliamentary secretaries.

636. Putting aside political consideration with reference to two Parliamentary secretaries, do you consider the business of the Board would be better carried on by having an assistant secretary solely devoted to the business of the assistant secretary, without having any Parliamentary duties?—No; it is not evident that the transaction of the business would be facilitated by the change.

637. Viscount *Jocelyn.*] Do you see any advantage in one secretary being a permanent officer, and not changing with the Government?—It is not evident that there would be any advantage in that plan.

638. Mr. *V. Smith.*] With regard to the number of previous communications that are sent back to the Court of Directors from the Board of Control, without any alteration being made in them, could you furnish an account of those?—Such an account could be furnished, but every previous communication must be examined for the purpose of making the account.

639. Are not a large proportion returned without alteration?—With respect to the political department, there are not many returned without some alteration. The answer is limited to the political department.

640. Are there many instances in which, after the draft has been altered in the previous communication, the alterations are not adopted by the Chairs?—In the political department, the alterations suggested by the Board are generally adopted by the Chairs.

641. From your own experience can you suggest to the Committee any mode of expediting the business which is transacted between the Court of Directors and the

the Board of Control, or do you think that the business is as efficiently and rapidly dispatched as is consistent with advantage to the public service?—It would be presumptuous to say that every hour has been properly employed, and that no part of the business could have been transacted more expeditiously than it has been: moreover, all control must be the cause of some delay; but the general feeling is, that the delay should be as little as possible.

642. It is obvious to everybody that divided control must produce a certain amount of delay, though there may be other advantages attending it; but can you suggest any alteration in the mode of transacting the business which would get rid of any portion of the delay, and be of advantage to the public service?—The only way in which an attempt could be made at greater expedition would be by abolishing the system of previous communications, and by sending despatches to the Board at once in the shape of drafts; but it may be doubted whether, in the long run, delay would be avoided by that mode. It is probable that there would be much hesitation on the part of the President before he gave directions for making in the draft alterations which he does not hesitate to make in a previous communication, because the alterations made in the previous communications are only suggestions from the President to the Chairs.

643. And when that previous communication is returned, it is submitted to the Court of Directors?—Yes; the Court of Directors have not seen the previous communication when it is in that stage, and they do not see the alterations which may have been made. The Chairman proposes the draft to the Court, adopting or not adopting the alterations suggested by the President in the previous communication.

644. Granting the necessity for a double communication, does not the unofficial nature of the first communication add to the delay?—It is difficult to say whether it does or does not, because the President would take much more time in making up his mind as to the alterations to be made in a draft than he takes for those to be made in a previous communication, knowing, as he does, that the alterations made in a previous communication will undergo further scrutiny before they can become the subject of controversial discussion. Those who are more competent to give an opinion upon the subject have contended that it was not desirable to drop the system of previous communications.

645. Can you suggest any other means besides this doubtful one of expediting the business?—No.

646. Sir *J. Hogg.*] You have spoken of the usual delay in preparing and sending out the ordinary despatches. Does it not occasionally, and I may say frequently, occur that despatches are received from India which require immediate attention and an immediate answer; and is it usual to withdraw those despatches from the ordinary routine, and for the Chairman and President to take them up at once and prepare answers, and despatch answers immediately?—Do you mean without going through the course of previous communication?

647. I mean whether it is not usual to prepare a despatch in draft, without allowing it to come on in the usual routine, and then to send it up to the President, and have it at once submitted to the Court, so that an answer may go out in two, or three, or four weeks?—That often occurs. The latest previous communication which has passed the Board in the political department is an answer to a letter dated in India on the 7th of March. It has been to the Board in previous communication, and has been returned to the India House before the 7th of May.

648. Then matters of pressing importance are taken out of the ordinary routine, and the answers are immediately prepared and despatched?—Certainly.

649. Viscount *Jocelyn.*] What is the longest time you have ever known from the time that the previous communication has been received to the time of the despatch being forwarded to India?—The answer to that question would require a reference to the records. With regard to the political department, in 1851, there was only one "P. C." that was at the office a month.

650. You cannot speak to any other department in the office?—No.

651. Sir *R. H. Inglis.*] You were understood to state, in answer to a previous question, that you saw no objection to the system of the two Parliamentary secretaries being removable at any change of Government, without reference to political considerations connected with that question; will you be good enough to state to the Committee whether in your judgment there be or be not any

reason for excepting the First Commissioner for the Affairs of India from that rule, which prevails in the Treasury, and in the offices of the three Secretaries of State, viz., that of having one secretary, the under secretary, or by whatever name he may be called, who is not removable on a change of Administration, and who carries on the current business of the office by the knowledge he has acquired by long experience?—I am not prepared to give any reason why the India Board should be an exception to a general rule; but, at the same time, I have not observed that the business has been delayed, or has been inefficiently performed by the Parliamentary portion of the Board, because they have not had the assistance of a permanent secretary. I have also heard, with regard to other offices, that the permanence of under secretaries has not been considered advantageous, and that it would be better if the under secretaries could all be in Parliament.

652. At the same time, whatever the inconvenience may have been in respect to the continuance of an individual as under secretary of a department, that inconvenience has not appeared to either of the two great parties who have governed this country, sufficient to induce them to endeavour to alter the system?—The previous answer may no doubt appear presumptuous.

653. But does that alter your opinion?—No.

654. Will you state to the Committee any grounds which render it unnecessary, in the case of the India Board, to appoint an assistant secretary as a permanent officer, according to the practice of all Government departments?—Perhaps you would permit the suggestion that the question would be better put to the secretaries, who would say whether they have found any disadvantage from their not having had the assistance of such an assistant secretary.

655. The question was put to you because you volunteered the statement that there was no inconvenience in the change of the secretaries at the same time with the President; and in consequence of that, I wish to ask whether, in the consideration of the affairs of India, there be anything which is so particularly easy that those affairs can be dispatched by two new men as readily as by one new man with the addition of a man who has had experience in the office?—The secretaries must depend for mere matters of detail upon their subordinate officers, but the clerks who have to lay the papers before them ought to see that those papers exhibit all the facts of the case upon which a judgment has to be pronounced.

656. Mr. *Bankes.*] In point of fact, there is an assistant secretary in the Board of Control, is there not?—Yes; but he does not stand in the position to which Sir Robert Inglis alludes.

657. Viscount *Mahon.*] He is empowered to sign in the absence of the secretaries?—He can do any formal act which the secretaries can do.

658. Mr. *Bankes.*] In point of fact, is it not the case that each of the heads of departments in the Board of Control at this moment has been in that service for a great number of years?—Yes.

659. For how long a time have you been in the department?—I have been in the office since 1818; I have been a senior clerk since 1839.

660. Mr. *Hardinge.*] You said that the secretaries of the Board were cognizant of every despatch that is transmitted through the Secret Department; is that the case, or does it rest with the President to exercise his discretion?—It rests with the President to exercise his discretion whether he will communicate a paper to the secretaries or not. The present President has directed that the secretaries shall be made aware of all secret despatches.

661. Viscount *Mahon.*] In any legislation that may take place affecting the government of India, do you see any advantage that could be derived from obtaining a second signature, in addition to that of the President, to communications?—No; the second signature is a mere form; but no President has deemed it advisable to dispense with that form, because the Act of Parliament says that two members shall be competent to transact any business of the Board. Therefore it has been supposed that those formal documents, the drafts of which are sent to the India House in order to be despatched to India, ought to have the signatures of two Commissioners.

662. You state that there is great trouble in getting a second signature, and that no advantage results from it?—None; it takes no responsibility from the President; in fact, the second signature is a mere formal signature.

663. Mr. *Hardinge.*] You have stated that the time which has elapsed between

between the Board receiving a "P. C." communication and returning it to the Chairs varies from a month to five weeks?—In the year 1851 there was only one instance in which a previous communication was detained at the Board in the political department for a month; but from the time of returning the previous communication to the India House, to the time it comes up in draft, there is an interval of about a month or five weeks.

664. Do you consider that in some cases the delay is counterbalanced by the advantage of the more strict examination of the despatch?—No doubt it is. There can be no check without some delay.

665. Mr. *V. Smith.*] You stated in a previous answer, that in cases of very deep interest, or that required dispatch, the ordinary routine was superseded?—Sir James Hogg was understood to say, not that the routine of the different stages was dispensed with, but that the Chairman sometimes directed that an important question should be taken up, not in its chronological order, but instantly.

666. By the words "ordinary routine being dispensed with," I understood was meant that there was some mode of quickening the communication?—The previous communication is entirely a matter of private understanding between the Chairman and the President, for the greater facility of transacting business; and there is no law to prevent the Court of Directors, if they deem it advisable, from sending up a proposed despatch at once in the shape of a draft.

667. Is that done in cases of very high interest?—It would be done rather in cases of pressing than of the greatest importance.

668. If it is done in cases of high interest, which are those, in fact, which require most judgment to be exercised upon them, surely it might be done in cases of less interest where there is less consideration required?—The officer who has to prepare the drafts, under the direction of the Chairman, can only be employed on one at a time. If any subject is exciting great attention, or is considered to be very important, the Chairman would direct the chief of the department at the India House to take up the subject out of the ordinary course; but everything could not be taken out of the ordinary course.

669. Then, taking it out of its ordinary course, do I understand you to say, would supersede the necessity of previous communication?—No; the Chairman would merely direct that less pressing business must be put aside, and a despatch prepared forthwith on the particular subject.

670. He would not send up the draft without a previous communication?—No.

671. Is that ever done?—Yes; drafts come up without a previous communication, sometimes because they treat of mere matters of course, sometimes because they relate to subjects of pressing importance, and a mail may be on the point of departure; but if a long despatch were required, the previous communication would not be dispensed with.

672. You are aware that there is a proviso to the 30th clause of the Act which empowers the Board of Control to make a minute upon subjects which do not require communication to the Board; has that ever been done?—Yes.

673. In what cases has that been done?—In those cases which are settled by regulation; for instance, the Court of Directors have a very large correspondence with civil and military officers on furlough, and with widows applying for pensions, which cases are decided by fixed rules; there can be no discussion about them, but they occasion much correspondence.

674. Will you furnish the Committee with any such Minute of the Board?—Yes.

675. Mr. *Herries.*] With regard to the despatches received through the Secret Committee, does any delay attend the answers to those?—No; where they require an answer, the usual proceeding is to send the answer by the first mail which leaves England after the receipt of the despatch.

676. In one case did it not happen that a despatch was received on one day relating to matters of grave importance, and the mail went out on the next day, by which the answer to that despatch was sent?—Yes. If the usual process with regard to matters brought before the Court of Directors were to be followed with regard to despatches sent through the Secret Committee, there would be considerable delay; but no delay now occurs with regard to such despatches.

677. Sir *E. Colebrooke.*] Can you state what proportion of despatches going through

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through the India Board go through the Secret Department?—A very small proportion; it is not always that one is required for each mail; but it is seldom that more than one goes by each mail; that is, one in a fortnight.

678. Have any remonstrances passed between the Secret Committee and the Board, during the time that you have been connected with the department, against keeping any matters in the Secret Department that did not properly belong to it?—Answer to that question would require reference to the correspondence.

679. Mr. Melvill stated in his evidence that the administration of Scinde was kept for several years in the Secret Department; are you aware whether any remonstrances were made to the Board against that proceeding?—There may have been some such remonstrance.

680. Do you think you could furnish any information from your office to show whether any reasons were recorded by the Board why the administration of Scinde was kept so long in the Secret Department?—I am not prepared at the moment to answer that question.

681. Do you see any advantage in sending despatches through the Secret Committee that would not be equally attained by the Board sending them direct, merely communicating the despatches for the information of the Chairman and Deputy?—There would be no disadvantage; but it would alter what has evidently been hitherto the design of the Legislature, namely that the Court of Directors should ostensibly be the governing body in the eyes of the people in India. Everything in the Government of India, having reference to authority in England, speaks of the East India Company or the Court of Directors. That, perhaps, was the reason why the Secret Committee of the Court of Directors was appointed, and why the Board were not empowered to send despatches direct, the whole view of the Legislature with regard to India being apparently that the Court of Directors were the only body whom the people of India were to regard as the governing authority in England.

682. Is not that part of the arrangement a fiction, and calculated to mislead the public with regard to the relative functions of the Board and the Court of Directors?—The Governments in India are, under the Act of Parliament, only bound to obey such instructions as emanate from the Court of Directors, or their Secret Committee; but the President of the Board is responsible in Parliament for the whole government of India; that is, as well for the despatches which proceed through the Court of Directors as for those which proceed through the Secret Committee.

683. Mr. *Herries*.] The public servants in India, if I understand you rightly, are the servants of the East India Company under the law, as it now exists?—Yes.

684. And the East India Company are acting as trustees for the Crown, having command over all the public servants in India?—Yes.

685. The question was asked you whether it would not be equally convenient if orders were to go out direct from the President of the Board of Control to India, instead of passing through the Secret Committee of the India House, but in that case the Board would have to give directions to those who are not their servants?—Yes.

686. Therefore it is necessary that the order should pass through that body who are by law at present the superiors of all those who are public servants in India, from the Governor-general downwards?—Yes. With reference to the civil service in India, there are only ten persons in India who are not servants of the Company—the three Bishops and the Judges; all the rest of the civil officers are servants of the Company.

687. Mr. *Hume*.] Do you remember any gun-boats being ordered by the President of the Board of Control through the Secret Department?—The transaction took place before I was in the department.

688. Mr. *Hildyard*.] With regard to the transmission of the orders of the Board through the Secret Committee, you say that assuming the Secret Committee were of opinion that the despatch had not reference to those matters which are prescribed in the Act of Parliament, it would then be in their discretion not to transmit that despatch?—They can refuse, if they take upon themselves the responsibility of refusing; there is nothing in the Act of Parliament which enables the Commissioners for the Affairs of India to transmit a despatch from themselves; and whether it is to pass through the Secret Committee or the

Court

Court of Directors, there is nothing in the Act which says that the Court of Directors or the Secret Committee shall be liable to any penalty if they refuse to transmit it.

689. The only remedy in the power of the Board of Control in such a case would be to apply to the Court of Queen's Bench for a mandamus to compel them to do their duty?—There does not appear to be any other remedy.

690. Assuming (but which is a matter likely to occur) that there was a misunderstanding between the Directors and the Board, the effect of applying for a mandamus would be to disclose the contents of those secret despatches?—Undoubtedly.

691. Therefore, practically, if they were disposed to refuse, there does exist the means of driving the President of the Board of Control into a discussion with respect to matters which are to form the subject of the secret despatch?—Yes; the Secret Committee, or the Court of Directors, would probably have to defend themselves before Parliament; but as the law now stands there appears to be nothing but a mandamus to compel the Court of Directors, or the Secret Committee, to send out a despatch.

692. And the proceedings upon the mandamus would entirely defeat the object of the Board by disclosing the contents of the despatch?—Yes.

693. Mr. *V. Smith.*] What, under the last Act, is the power of the Board of Control over the expenditure of the East India Company?—The Board have power over every part of the expenditure of the East India Company, with the exceptions laid down by Act of Parliament. They cannot touch the dividend of the East India Company, nor interfere with the distribution of the sum allowed for the Home Establishment; but they have power over the total sum.

694. Could they diminish the sum allowed for the Home Establishment?—They could.

695. But they could not interfere with the amount paid to any particular clerks or servants of the East India Company?—No.

696. Any proposal of the Court to add to the expenses of the East India Company would be sent up for approval to the India Board?—Yes; any proposition to expend money, however small the amount, must be submitted for the Board's decision.

697. Have the Board of Control exercised a large discretion over the expenditure of the East India Company?—They have exercised a large discretion over every class of expenditure; every grant of money, whether gratuity or pension; and all the indents which come from India requiring stores, and all engagements of freight, must be sanctioned by the Board.

698. Have the Board of Control frequently declined to accede to, or proposed to diminish, those grants?—Frequently; and a very great addition was made in this respect to the business of the Board by the Act of 1833.

699. Is it an alteration which you think has exercised a wholesome influence on the expenditure of the East India Company?—Whether it is a wholesome influence may be doubted by some who think there should be more liberality; but undoubtedly it is continually exerted.

700. Have the East India Company generally acquiesced in the alterations of the Board?—They must submit when the Board have decided the question.

701. They cannot help eventually acquiescing, but have there been frequent discussions upon the subject, and have they ended generally in an amicable arrangement?—To answer the question confidently would require a reference to the correspondence; but it is believed that the conclusion has generally been, that the Board have adhered to their decision.

702. Mr. *Plowden.*] There have been cases of remonstrance with reference to money?—Yes.

703. Mr. *Herries.*] In point of fact, all proposals for expenditure in India proceeding from the Court of Directors are subjected to examination and control by the Board of Control?—Yes, or expenditure in England.

704. Despatches are from time to time sent out by the East India Company, reviewing largely and minutely the expenditure in each department, and those are submitted to the Board of Control, and are subject to minute examination in that Board, and to frequent alterations?—They are. In point of fact, the Court of Directors can do nothing without the sanction of the Commissioners for the Affairs of India, except in some few cases in which it is laid down by the Act of Parliament that the Board shall not have power to interfere.

John Shepherd, Esq., called in; and Examined.

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705. *Chairman.*] YOU have acted as Chairman of the East India Company?—Yes, on three different occasions.

706. *Mr. Herries.*] Will you state the periods when you acted as Chairman?—I was elected Deputy Chairman in April 1843, and Chairman in April 1844: I was re-elected Deputy Chairman in April 1849, and Chairman in April 1850: and again, in the following year, 1851, I was elected Chairman: so that for three years I have been Chairman, and for two years Deputy Chairman.

707. *Chairman.*] You have heard the evidence which Mr. Melvill has given?—Yes.

708. He has explained to the Committee the general system adopted for administering the affairs of the Indian Government at the India House. Will you give the Committee your opinion with reference to the practical working of that system?—I have no hesitation in saying that I think the system works most beneficially for India, and for the advantage of the public service. The system adopted with regard to the public despatches ensures a careful revision of all the proceedings of the local governments; and the knowledge on the part of our servants in India, that all their proceedings, their reports and correspondence, will come regularly under the surveillance of the Court, has in my opinion a very beneficial moral effect; I think it acts as a wholesome stimulus to industry and exertion. It is quite impossible that an inefficient public servant, an indolent collector, we will say, or a careless judge, can avoid exposure and censure by the Court; and we are always ready to commend and reward those officers whom we find most deserving.

709. Those are reasons which you think valid for maintaining so minute a surveillance?—Yes; there are other reasons which might be stated; the completeness of our records is a great advantage to the governing body at home. Voluminous papers are sent home, and though it might appear at first sight that many of them might be dispensed with, yet they are very valuable, in my opinion, as adjuncts to our administration. If we want information on any subject, we have only to refer to our records, and there we have the opinions of the most eminent men on any and every subject on which we require information. I should say that a man has only to read and study our records to make himself almost as much acquainted with the system of the government in India as he would be if he had spent his life there.

710. You think it an advantage to send home the voluminous correspondence relating to the question that arises, which authorities in India are in the habit of sending home to the East India Company?—I should be very sorry to see any plan adopted that circumscribed the number of documents sent home; the same information might perhaps be given in different forms, but there is nothing that I should deprecate more than any endeavour to define the particular documents that were required, merely with the view of limiting the number of them. I think the great advantage of the present system consists in our having everything before us, and being enabled to make ourselves thoroughly masters of the whole subject upon which our decision is to be given.

711. Has that mode been adopted within a comparatively recent date?—No; it has been adopted ever since I have been a Director of the East India Company; the collections were not always made in India, but during the last charter they have been made in India and completed in this country.

712. A great deal of information can be obtained by reference to your own records?—We have the same materials for our decision that the local governments have; and we may of course refer to our decisions in analogous cases, which are very useful.

713. You will from your position be enabled to explain fully the course of proceeding on the occasions when there exist differences of opinion between the Board of Control and the Court of Directors?—Those differences are generally settled in communications between the President and the Chairs. If a despatch comes down altered in such a way that we think it important to remonstrate with the Board upon it, we have a certain day of the week on which we have a friendly meeting with the President, when we discuss the matter between ourselves; if we do not succeed in convincing each other, or compromising

the question, it is for the Chairs to consider whether they should adhere rigidly to their opinion or not; they would in that case take the matter before the Court, and if the Court agreed with them, the draft of the despatch would go up to the Board officially. The "P. C.," I beg leave to say, is a mere suggestion or previous communication between the President and the Chairs; but when the draft of the despatch goes up to the Board, having received the sanction of the Court, it becomes then strictly official. If the President of the Board should adhere to the alterations which he had made in the previous communications, we should then write a letter or suggest to the Court to write a letter of remonstrance, detailing the grounds upon which we differ from him; and it would rest with the Board to say whether they would adhere to their opinion or accede to the remonstrance of the Court of Directors. If the Board still adhere to their opinion, I have known cases of a second letter on the part of the Court, and even a rejoinder to a second reply; but ultimately it is the duty of the Court to succumb, and therefore the despatch goes out to India as approved by the Board.

714. These questions and answers have been confined entirely to the proceedings of the Court of Directors and the Board of Control. Does your experience lead you to suggest any alteration in that system?—No; I do not think any better system could be devised. Sometimes the system of "P. C." has been complained of by members of the Court, but I am satisfied that it facilitates business and saves time; and, as regards delay, we have the power, which we frequently exercise, in the case of despatches which demand prompt and immediate attention, of taking them up immediately. During the last two years several instances occurred when despatches from India requiring prompt attention were replied to by return of post. The despatch arrived, we will say on Monday; it was brought to us, the Chairman and Deputy Chairman, who consulted together with the officer to whose department the subject belonged, and we made up our minds as to what reply should be given to it. On the next day (Tuesday) we met with the President, and discussed the subject with him, taking the collection of papers, or a sufficient quantity of them to show clearly the nature of the subject; and on several occasions I have brought the proposed despatch back in my box approved of on the same afternoon, and have laid it before the Committee on the following day. We have explained the circumstances which required promptitude and decision to the Committee; and though perhaps there may be a little objection, on the score of not having had much time to consider the matter, generally they will, in an important case, requiring immediate attention, concede the point, and take it into consideration at once; it will then go before the Court on the same day; a discussion will take place in Court; an objection may be taken by the Court that they have not had sufficient time to consider the subject, and then we have the power of summoning a Court before the regular day of meeting in the next week (the regular day of meeting of the Court is on Wednesday); if the Court, when the question was brought before them on the Wednesday, required a longer time to consider it, we should hold a second Court on Friday, for the special purpose of discussing and deciding the question at issue; so that we have the means of attending to important questions which require promptitude, and replying by return of post. But I beg leave to say, that as regards the general questions which come before us, I do think it is much more important that those questions should be maturely and thoroughly considered, and efficiently disposed of, than even that an extreme degree of quickness and promptitude should be obtained.

715. Then the Committee is to understand, that from your experience you are not of opinion that the delay which occurs is productive of any serious injury?—No, I think not; there may have been instances where it would have been better if the matter had been disposed of a little earlier; but, as a general rule, I am satisfied that the system could not be amended.

716. We have had sufficient evidence of the mode of proceeding between the Secret Committee and the Board; what is your opinion of that course of proceeding; is there any change that you would suggest?—It has been already explained to the Committee that the duty of the Secret Committee is purely ministerial; the only duty defined by law, or recognised by the Board, as appertaining to the members of the Secret Committee, is that of signing and transmitting despatches which are prepared by the Board and sent to the Committee. We have no power by law, if we think it important or necessary, at our interviews

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with the President, of discussing the questions and pointing out to him what we think the best course of proceeding; we may write a letter to the President, but his attending to that letter is merely a matter of courtesy; our power is not recognized by the Board or by the law; and under those circumstances the members of the Secret Committee might scarcely consider that they were bound always to express their opinion where there was a difference of between the President of the Board and themselves. Speaking for myself, it would be only on questions of great importance that I should feel it my duty to write a letter on the subject.

717. The President of the Board is not bound to receive that letter?—No. I think Lord Broughton, in one of his answers before the Committee on Official Salaries, stated distinctly that the members of the Secret Committee might record a letter, but that he was not bound to know it; it is a matter of discretion on the part of the members of the Secret Committee whether they should express their opinion, and it is a matter of discretion on the part of the President whether he chooses to attend to such an expression of opinion or not. My idea is, that it would be satisfactory if my duty as a member of the Secret Committee were so defined that I might feel that it was my duty to express my opinion on all occasions where I differed in opinion from the President, and to place that opinion on record, in order to show to my successor that I had done my duty.

718. Do you think that there would be any inconvenience likely to result from throwing that responsibility upon the Secret Committee?—We are told that it is our duty now; we are held responsible if we do not give our advice to the President in such cases. From the impression which honourable Members who have put questions upon the subject to the witnesses seem to entertain, I feel that if I were to neglect giving my opinion in cases where I differed in opinion with the President, I should be considered neglecting my duty; but I am in this embarrassing position; I have not the power of recording the fact that I have expressed my opinion, nor is it recognised by law as part of my duty that I should do so.

719. Your suggestion would be, that there should be power given to the Secret Committee, where they differed in opinion from the President of the Board, to protest against the decision which he came to?—I beg leave to state, that I am perfectly ready to admit that the ultimate decision of all questions involving peace and war must be in the hands of the President and the Cabinet of the day. I should be very sorry that any power of protest should be given to members of the Secret Committee which should embarrass the President or the Cabinet in the course they think it right to take in such cases; but I think, if the members of the Secret Committee are expected to use any influence, either in the way of discussion, or by writing a letter to the President, there ought to be some means of our being able to show that that influence has been used by its being recorded.

720. But the Act of Parliament, if I understand you rightly, does not recognize that duty?—Certainly not; the only duty recognized by the Act of Parliament is that of transmitting the despatch; but some members of the Committee, from the questions they have put, seem to think that it is implied by the Act that we ought to exercise a power by acquiescing in the course adopted if we agree with the President, or by remonstrating if we think it desirable to do so.

721. Mr. *Herries.*] Upon what do you found the opinion that it is the implied duty of the Secret Committee to remonstrate, or protest, or offer any opinion?—Upon the general reasoning as to the position of the Committee. In listening to the questions that have been put, and the answers which have been given to them, it has been stated that the Chairs have the power to do so; and if the parties say they have the power, the natural conclusion to be drawn is, that they are expected to exercise that power.

722. *Chairman.*] Do you consider that the present system of electing Directors operates injuriously, so as to prevent men of eminence from becoming candidates?—I think the fault is on the part of men of eminence, in not coming forward as candidates; the canvass is made a greater bugbear than it ought to be; if men of eminence came forward, I am satisfied that the proprietary would be very ready to support them, from the respect they entertain for men who have performed eminent service in India. I can state one case in proof of that. Mr. Butterworth Bayley, who had served with eminence for five years

years as a Member of Council, and was for a year Acting Governor-general, came home on furlough at the time I was a candidate; I had made some progress in my canvass, and so had Mr. Warden; we were rivals; but we found that such was the feeling of the Proprietors in favour of Mr. Bayley, though he had never made a regular canvass, from his services being so well known, that both Mr. Warden and myself felt it politic to withdraw in his favour, and he was elected a Director before his furlough had expired. I have heard it often said that the trouble of canvassing prevented such men as Mountstuart Elphinstone, Sir Thomas Munro, and others, from coming forward as candidates. My own opinion is, that if such men came forward, in a reasonable period, the proprietary body would elect them with very little trouble on their part.

723. Without a laborious canvass?—Yes: such would be the estimation formed of the merits of their services that I have no doubt they would be elected.

724. Sir *E. Colebrooke.*] When was Mr. Butterworth Bayley elected?—He was elected before his three years' furlough had expired; it must have been in 1833 or 1834.

725. *Chairman.*] Do you consider that 24 Directors are necessary, or would it be advantageous to reduce the number?—I think that a reduction of the number of Directors would be most prejudicial to their efficiency and independence; reducing the number of Directors to 12 would leave the Committees with only three members, and one of those might be absent; there would not be that thorough discussion and investigation of subjects that there is now; and of course a body of 12 men would be more liable to be influenced than double that number. I am of opinion that it is of great importance to retain the present number.

726. Do you consider that the Court of Directors contains an adequate number of representatives of Indian interests?—Of late years almost all the candidates who have been elected have been in the service in India. I should be very sorry to see all the Directors Indian, because I think a certain infusion of English blood is desirable. We often find that Madras men have peculiar views of their own, Bengal men have theirs, and also those from Bombay, and the men who have no local predilections can exercise a sound discretion, and decide between them. I think also an infusion of English members, who have mixed a good deal with men of business in this country, is important. We have frequently very important questions with regard to finance, and the regulating our exchange operations, with regard also to our steam navy, and various other matters; and I think that an infusion of English blood is very useful in disposing of those questions. As Mr. Melvill stated, during the last Charter there has been only one man elected who has not been in the Indian service.

727. I believe many of the most eminent Chairmen of the Court have been individuals who were not in the civil or military service of the Company?—There have been men who have been very efficient members of the Court, and efficient Chairmen, who were not in the civil or military service of the Company; they were good men of business. It is very important that the Chairman should be a good man of business, for having so much to do in that position, unless he were so, though he might have great Indian knowledge, he might not be able to get through the work.

728. I believe you yourself were never in the civil or military service of the Company?—No, I was brought up in the Company's maritime service.

729. It has been suggested by Mr. Melvill that there should be a quorum of the Court of Proprietors necessary to conduct the proceedings; do you think that would be an improvement?—It would tend to ensure the attendance of a greater number of proprietors; it would also raise the tone and character of the discussions, and would prevent any two or three members from combining merely for the sake of bringing forward any particular views of their own over and over again after the question has been decided. It would certainly be an advantage to the proprietary body, and also to the public service.

730. Will you inform the Committee as to the mode of proceeding in the Court of Directors on the occasion of appointing members to the several Councils of India?—When a vacancy occurs in the Council, the Chairman and Deputy Chairman generally consult together as to those whom they may consider to have the highest qualifications for the office, and they generally select three or four individuals; an officer is employed to search the records for an

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account of their services; a detailed collection is made of the services of those individuals, and notice is then given by the Chairman, on a Court day, that those documents will be laid before the Court, with the view of selecting a member for the Council. It is open to any member of the Direction to ask that a collection of the merits of A., B., and C. should also be prepared, and that is generally conceded by the Chairs. Notice is then given of the particular individual whom the Chairs recommend, and of any other individuals whom other members may intend to nominate. When the day is fixed the merits of the several parties are discussed, and the appointment is made by ballot, by the majority of the Court of Directors.

731. There is no open canvassing?—No; now and then civil servants will write home, stating that their standing is so and so, and that they desire to be considered as candidates for the Council; but that is not often the case.

732. The suggestion of nomination proceeds from the Chairman of the day?—Yes, from the Chairman of the day, in communication with the Deputy Chairman; they generally take care to make up their own minds in the first instance.

733. These are appointments over which the India Board have no control; will you explain the course you adopt as regards those appointments on which the Board have a veto?—With reference to the appointment of Governor-general or Governors of Presidencies, on such occasions it is the practice of the Chairs to communicate very promptly with the President of the Board. Our desire generally is, in the case of the Governor-general or Governor, that we should get the best man of the particular party who may be in power; we are not so unreasonable as to propose as Governor-general or a Governor a man in opposition; and it has been my practice generally to take up two or three names, and place them in the order in which I think the Court would esteem them, and I say to the President, "Here are three names; either of them, I think, the Court would be glad to elect; I have placed them in the order in which, I think, they would be esteemed by the Court." If neither of those names is satisfactory to the President, of course it then becomes a matter of communication; he would probably suggest a name of his own, and it is a question between us, to be settled in friendly communication, who shall be the party to be proposed to the Court.

Martis, 11° *die Maii*, 1852.

MEMBERS PRESENT.

Mr. Baring.	Mr. Baillie.
Mr. Herries.	Viscount Jocelyn.
Mr. Hardinge.	Sir James Hogg.
Sir Edward Colebrooke.	Mr. Labouchere.
Sir R. H. Inglis.	Mr. Hildyard.
Mr. Vernon Smith.	Mr. Plowden.
Sir Charles Wood.	Mr. Hume.
Mr. Milner Gibson.	Mr. Cobden.
Sir William Molesworth.	Mr. Keogh.
Viscount Mahon.	Mr. Bankes.

THOMAS BARING, Esq., IN THE CHAIR.

John Shepherd, Esq., called in; and further Examined.

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734. *Chairman.*] DO you approve fully of the present system of education at the colleges of Haileybury and Addiscombe?—At Haileybury, I think there might be some improvement introduced, in devoting more time to European subjects. There is, I think, more time devoted to the study of Oriental languages than is necessary. I should prefer leaving the Oriental languages to be acquired when the young men arrive in India, to a greater extent than at present. As regards Addiscombe, the system at present is very perfect; nothing could work better, in my opinion.

735. Does

735. Does the present plan of distributing the patronage of the civil and military services, in your opinion, operate beneficially to the Company's services?—The late returns which have been made show that a very large proportion of the patronage is given to the sons of the Company's servants; and my own opinion is, that any other system, take for instance that which has been proposed of appropriating a certain proportion to the servants of the Company, would not operate so beneficially towards them as the present. If we were to extend the return of the distribution of the patronage to the immediate connexions, say to the nephews or grandsons, &c. of our officers, the proportion of patronage given to them would be shown to be much larger than that exhibited in the return alluded to.

736. Can you make any suggestion as to any change in the Court of Proprietors that would in your opinion be beneficial, as regards their constitution and power of voting?—I think it would be very difficult to suggest any improvement. It has been thought that giving votes to those who held stock in the Company's loans might be a system acted upon; but that would increase the number of proprietors to a very large extent, and I question whether there would be any benefit arising from it.

737. What would be your opinion of giving servants of the Company who had served a certain period in India, whether civil or military, the right of voting?—I cannot imagine that it would be beneficial; the number would be so great that I think it would make the canvass still more arduous and difficult, and I do not think it would act beneficially with regard to the parties who would be ultimately elected.

738. Mr. *Labouchere.*] Can you give the Committee any idea what would be the number of persons entitled to vote if you allowed all those who had served in India to do so?—I should think the number would be doubled.

739. Would it be possible to draw any line, by giving those who had served a certain time, or who had filled certain situations, a power to vote?—Of course it would be practicable to confine the power of voting to those who had held a certain rank or filled a certain station.

740. Do you think the limitation of the power of voting to those who had filled certain stations would be desirable?—I doubt whether any benefit would arise from it.

741. Mr. *Baillie.*] Is it not the fact that most of the retired public servants of the East India Company are holders now of India stock?—I should not say most of them are; a great many buy stock; all who wish to have votes have the power of buying India stock, but I do not think most of them, or even a large proportion, buy stock.

742. Mr. *Herries.*] The relative powers and authority of the proprietors and the Directors of the East India Company are governed by the Charter of Incorporation, are they not?—Yes.

743. If so, by what power could an alteration be made which should give a different authority with respect to the choice of directors and proprietors of the Company from that which the present Court of Proprietors enjoy?—You could only make such an alteration by Act of Parliament.

744. Would it not also require the consent of the whole proprietary body?—I imagine an Act of Parliament would overrule any present system.

745. Do you think it would be consistent with our law that Parliament should overrule the rights of the proprietors of any company chartered for their own interests, by making changes and alterations respecting the rights of the respective parties within the limits so settled?—It is certainly open to question, and the proprietors might raise that objection.

746. It is a very unusual course, is it not?—I should think it was; it would only be the good of the public service that would justify it.

747. This is a separate question from the trusteeship, which the Company exercises in the administration of the government of India. The constitution of the Court of Proprietors, and their rights and mode of election, I consider to be regulated by their Charter, and not to have any immediate connexion with the government of India?—I think the mode of electing the directors must be considered as having an important bearing upon the government of India; but it would of course admit of an argument whether it was not an interference with their privileges to extend the number of votes.

748. Have you the power of making bye-laws?—Yes; the proprietors make bye-laws for themselves and the Directors.

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749. By those bye-laws, might they alter the mode of choosing the directors?—No; the Act of Parliament directs that holders of stock shall have so many votes, according to the value of their stock; the Act could not be altered by any bye-law.

750. You were asked whether or not other persons, not being by law qualified as holders of stock to vote, might not be admitted to vote with a view to the improvement of the representation of the proprietary body in the Court of Directors?—It could only be by Act of Parliament.

751. Are you of opinion that the proprietors of stock would be ready to admit the interference of Parliament in such a matter?—I think it very likely that they might object, on the score of its making their votes of less importance by increasing the number of votes.

752. Do you think the object of sufficient importance to make it worth while to incur the opposition which might be raised to such a measure?—I think not; I am satisfied that the proprietors, as they now stand, would elect eminent men as directors if they came forward as candidates, but unfortunately there is an impression in the minds of parties that the canvass is a very arduous one, and many dislike the idea of undertaking it.

753. In point of fact, have several eminent men of late years been elected?—I have known no eminent men who failed where they waited for a year or two; of course they cannot expect to walk over the heads of one or two candidates who may have previously secured the good opinion of the majority of the proprietors.

754. Mr. *Labouchere*.] To what do you attribute it that men of great eminence connected with India of late years, such as Mr. Mountstuart Elphinstone and Lord Metcalfe, and men of that class, have never become directors?—I think it may be partly attributed to their apprehension of the canvass. Mr. Mountstuart Elphinstone refused to take office in England, and I do not think he ever desired the office of a director, otherwise he would only have had to intimate to the proprietors his desire, and I am satisfied that he would have been elected; and the same remark applies to Lord Metcalfe, but his services were in requisition by Her Majesty's Government; he had a higher reward offered him, and had higher services to perform. Mr. Mountstuart Elphinstone was offered a seat in the India Board, and after his arrival in England he was offered the Governor-generalship by two separate Administrations; so I have always understood.

755. Viscount *Jocelyn*.] It has been stated by Mr. Melvill that there are 24 directors, including the Chairs; in reality, however, are there not 30 directors, six of whom go out annually by rotation?—Yes, there are always six that go out annually by rotation.

656. How are the re-elections conducted; is it not the fact, that the six out directors are re-elected annually, on the recommendation of the Court in their corporate capacity?—That is the present practice; but it is not done in the Court's corporate capacity, but as proprietary.

757. Can you state any instance in which this practice has been deviated from by the non re-election of an out director?—There was an instance of a director who was thrown out on a general election, where there happened to be a vacancy; the practice is, that the directors are re-elected, but there was the instance I allude to; and afterwards the Director was re-elected. I believe there have been other instances in former years.

758. It is believed that there are always candidates in the field to succeed to vacancies in the direction from death or resignation; would any such candidate, however able or distinguished, have the slightest chance of being elected in opposition to any of the six directors going out by rotation?—It is very doubtful; if among the six there was any one of doubtful reputation, or if any of the six directors had misconducted himself, so as to lose the confidence of the proprietors, and a man came forward in whom the proprietors had confidence, I think it very likely that the latter would be elected, and the former rejected.

759. Can you state any instance in which that has occurred?—I am not aware of any instance at the present moment; I am speaking from my own personal recollection.

760. Then, practically, since the present Charter, the directors are elected for life, until they voluntarily resign, and the re-elections referred to are purely matter of form?—I cannot go the length of saying that the re-elections are purely matters of form, because the proprietors have the power, if they please, of coming forward themselves, or of bringing forward any candidate, and of opposing the house-

house-list; practically they have not done so; I presume on the ground that those whose names appear on the house-list obtained the confidence of the proprietors at large.

761. But, practically, the re-election is a matter of form?—Practically it has generally been so.

762. Why should not the annual election be open, the Court being debarred from all interference?—I cannot give any reasons, further than that if you desire to adopt a plan which shall prevent eminent men from coming forward, I think that system would have that effect.

763. What is the interference that the Court exercise?—The influence they exercise is, in recommending certain names; and I may mention that there is a difference of opinion upon that subject: some persons think that the ex-Directors might, instead of being recommended, state that they are ready to serve again, having performed their duty faithfully; I do not apprehend that the recommendation of the Court is a matter of great importance.

764. An opinion has been given in favour of the Court of Proprietors possessing the power of discussing the affairs of India; and I find from Lord Glenelg's letter, dated the 12th of February 1833, it appears to have been intended, under the arrangement of 1834, that they should possess such power; will you have the goodness to state in what manner proprietors can become acquainted with the affairs of India from sources not open to the public generally?—Any proprietor at the quarterly court has the power of asking questions of the chairman, or of calling for any papers, and if there is no objection on public grounds to giving those papers, those requests are acceded to; of course it depends upon the nature of the subject whether it is proper to grant the papers that are applied for.

765. Do you think it would be advantageous were it to be laid down, that the Chairman, or of course in his absence the Deputy Chairman, of the Court of Directors, should, at a meeting to be convened for the purpose, annually review the affairs of India for the information of the proprietary body?—Our quarterly courts afford that opportunity. We have quarterly courts for the express purpose, and any proprietor who takes any great interest in Indian affairs has the fullest opportunity at that court of discussing any question. I do not think there would be any advantage in having an additional court.

766. Do you think the furnishing of such information would lead to tedious and useless debates?—I have never observed that there has been any desire on the part of the Court of Directors to refuse information to proprietors at the quarterly courts. I have often regretted that so few of the proprietors attended; the General Courts have been generally very indifferently attended.

767. We have had it in evidence that the Direction is divided into three committees. By this system are the committees usually composed of those members of the Court who, by previous knowledge and experience, are best qualified for the department entrusted to them?—The committees are chosen in the way Mr. Melvill described; but the members, amongst themselves, have the opportunity of exchanging into those particular committees which they are most qualified for; and I may state, that though you may not always see civilians on the Revenue, Judicial, and Legislative Committee, the reason of that is, that the member wishes to go through all the committees, in order that he may make himself master of the whole business of the Court; and certainly it is an object that a Director should serve a certain time on every committee.

768. Would a director be nominated to the committee supervising that branch of the service in which he had been employed in India?—I have scarcely known an instance where a director did not succeed in getting into the particular committee that he wished to be upon, by exchanging with his colleagues.

769. It has been stated to us that no record of the daily attendance of directors is kept; does it not sometimes happen that directors seldom or never attend, except on the weekly court days, when, from non-attendance, they are liable to a fine?—I happened to be present when Mr. Melvill was asked that question, and when he stated eight as the daily attendance; if I had been asked the question I should have stated that the number was greater than eight, because I have frequently, when I have been in the chair, asked what members were in the House, and I have had a list of a dozen or more given me; it depends a good deal upon what business is going on; gentlemen do not always attend if there is not much business on the Court's table; but generally speaking the attendance is very good.

770. Are there not a great number of directors who do not attend, except

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when they are liable to a fine for not attending?—I am not aware that there are any.

771. Are the directors of the East India Company allowed to engage in any other pursuits besides being directors?—Yes, they are. Perhaps you will allow me to state, as that question may refer (though I do not imagine that it does) to myself, that I consider there is an advantage in a man having other occupations, provided he takes care that he does not neglect his duty at the India House. I mentioned, the last time I was examined, that there are a variety of matters of importance which we have to decide upon, independent of local Indian subjects. There are questions of finance, such as regulating our exchanges, and arranging advances on hypothecated goods, which come before us; and, again, we have the India navy to attend to; we have vessels to build and machinery to construct; we have all our military stores and clothing for the army to provide, and many matters to superintend, upon which a knowledge of what is passing in the City, and out of doors, is very useful.

772. It has been stated to us that the Court of Directors possess the power of recalling and dismissing any of their servants at pleasure: do you consider the continuance of this power essential to the maintenance of their authority and of due subordination on the part of their servants?—I do, most distinctly.

773. Do you consider that any exception could be made without endangering those objects?—I am not aware of any.

774. Sir *R. H. Inglis.*] Can you state to the Committee that that power has been advantageously exercised within your own personal experience by the Court of Directors?—I certainly think it has.

775. From your experience you are unwilling that the power should be withdrawn from the body to whom it is now entrusted?—Certainly.

776. Viscount *Jocelyn.*] It has been stated by Mr. Melvill that the "evil of delay in the correspondence between England and India is mitigated by the fact that it chiefly relates to the revision of acts done:" but are not references frequently made by the Governments of India for the previous sanction of the Court to measures deemed of more or less importance, and in such cases is not the long delay which now occurs very injurious to the public interests?—As I mentioned in my last examination, there are sometimes cases where promptitude is very important, and on such occasions we always have the power, and we exercise it, of taking those cases up and deciding them with promptitude and without delay.

777. For instance, was there not very great delay in deciding upon the introduction of railways into India, and other measures of a similar character?—The question of the introduction of railways into India was a very important question, upon which differences of opinion existed between the authorities as to the best mode of effecting that object: it certainly required due consideration before we committed ourselves. The question was first mooted when I happened to be chairman. The first point to decide was, whether they should be constructed by the local Governments or by the instrumentality of joint-stock companies. The next question at issue was, whether it was proper or constitutional to give a guarantee of a certain relief dividend; that was objected to, and it was found, that without giving a guarantee the people of England would not come forward with money to construct the railroads. When this was discovered, it was found necessary to give a guarantee; it of course took some time to decide what was the proper rate of interest to allow; we desired to have a smaller amount than five per cent.; we thought that three or four per cent. might do. Altogether it was a very important question, and it was much more necessary to take sufficient time, and weigh everything well, than rashly come to a decision, which we might hereafter have cause to regret.

778. When a matter originating in the Secret Department is transferred to the Public Department, do the Court of Directors possess the power of recording a dissent or protest against any proceedings coming to their knowledge on such transfer, which they may deem injurious to the interests of India or of England?—The Court of Directors, when the thing is made public before them, have the power of coming to any resolution they think proper, because the question is no longer in the Secret Department.

777. If so, have they of late years exercised that power?—They have.

780. You are aware that in former years, in the time of Mr. Dundas, for instance, it was the duty of the President of the Board of Control annually to review the affairs of India in Parliament; can you state when, and for what reason, that practice

tice was discontinued?—No; I am not sufficiently acquainted with that to answer the question.

781. Do you not think that the revival of that salutary practice would be advantageous, by creating a general interest in the welfare and prosperity of India, and by giving a certain degree of publicity to the proceedings of the different authorities to whom the Administration of India is entrusted?—I see no objection to it, if the Legislature desire it; but Indian questions generally, I think, do not excite much interest in Parliament.

782. We have had evidence from Mr. Melvill that duplicate copies of all despatches from India are received; are duplicates of the collections annexed to the despatches also transmitted?—I am not quite certain that they are always sent, but generally speaking, on all important questions, where duplicates are not sent, we have duplicates made at the India House.

783. Are triplicate copies sent?—I think not. I know frequently we are obliged to make copies at the India House on important questions, where many members wish to read the papers.

784. Besides those voluminous papers, are there not diaries sent from India?—Yes; the proceedings are very full and complete.

785. All that takes place both at Madras and Bombay and Bengal is sent to this country?—Yes, every document upon which the Government in India decide a question comes before the Court.

786. What is done with those diaries?—They are all deposited in our records, and may be called for at any time that the directors wish it.

787. Of course all those documents are very voluminous, and very expensive. Does your experience enable you to suggest any means by which, without impairing the checks and control exercised by the authorities in this country over the authorities in India, that mass of Indian correspondence could be diminished?—I stated before that I should be very sorry to see any measure taken for circumscribing the collections. I think it is much more important that we should have too many documents than too few. There may be some inconveniences occasionally from the large number, but I think it is much the safer side to err upon.

788. Viscount *Mahon*.] Will you have the goodness to state more in detail than you have hitherto done what is the improvement in the course of study at Haileybury which you would recommend?—I think too much perhaps is required in the study of so many Oriental languages, seeing that young men have no opportunity after going to India of having the best instruction in European subjects, such as law, political economy, &c., and even in classics. I think it would be better if more time were devoted to those subjects, and the knowledge of the Oriental languages were completed when they arrived in India. There have been differences of opinion among the members of the Court upon that question, but that is my view.

789. Would not the arrival of a young man in India be attended with great inconvenience to himself and detriment to the public service if he had no previous acquaintance with the language?—I would not go the length of saying that he should have no acquaintance with the language, but I would confine him to the rudiments of the languages; and leave him to complete his knowledge after he arrived in India.

790. You consider that the Oriental languages should follow the other studies?—Yes; in my opinion no matter can be of more importance than the acquirement of the native languages; but that can be got in India, whereas knowledge on other subjects cannot.

791. Has it ever occurred to you whether there might be, without detriment to the public service, any diminution in the amount of classical learning required of the students at Haileybury?—I should say not; I have always found that good classical scholars have other talents, and I should be sorry to see a small degree of knowledge of the classics established as a test; I think, generally, if a man is a good classic, he will be also eminent in other departments.

792. But it has appeared to you that at Haileybury the study of so many languages is excessive as regards the time and strength of the student?—Yes, that is my opinion.

793. You think that in regard to Oriental languages, it would be an improvement to effect a diminution?—Yes, particularly with reference to Sanscrit, though Oriental scholars consider Sanscrit of great importance; it is a dead language which young men find it very difficult to master.

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794. Your objection is to the system pursued; have you any fault to find with the way in which the system itself is carried out?—None whatever.

795. You are perfectly satisfied with the way in which the system at Haileybury is carried out, presuming the system to be the right one?—Yes.

796. Sir *E. Colebrooke.*] Is the test that is applied to students who pass the college now higher as regards the Oriental than as regards European subjects?—No, it is scarcely so high; the test is, that they should translate from a certain work.

797. You may possibly be aware that formerly they required higher marks on Oriental subjects in order to pass the examination than on European subjects; that is not the case now?—I do not think it is; they only require that they should translate from one language to another; a good classical scholar would do more than that. I know that a student loses his term if he has not the mark "G." in Oriental languages; but although he may not have paid so much attention to the classics at college as to the Orientals, on that account, but notwithstanding, he would be a much better Latin and Greek scholar than he would be a Sanscrit scholar, seeing the high test required in classics before entering college.

798. But a greater portion of time is taken up in the study of Oriental languages than you think desirable?—Yes. I would leave the student to acquire more by study when he arrives in India.

799. But, practically, a very slight knowledge of the language is acquired now at the college?—Many of our students acquire great proficiency in several Oriental languages before quitting college.

800. The knowledge they acquire of the language in the country is always much more rapidly acquired than at the college?—I should think so.

801. Do you think the test for examinations which has been established since the last Charter has had the effect of raising the qualifications of the students who are admitted?—I have no doubt it has. I think a dull and heavy lad has no chance now of getting into the college.

802. Has it had the effect upon the directors of making them more cautious in making appointments?—I cannot say what effect it has had upon the minds of my colleagues. We are always glad when we get an able nominee, and we are proud of those who distinguish themselves at college.

803. I am speaking of the effect of the examination, which requires a higher qualification on the part of those admitted to the college?—If a director knew that a young man was not likely to pass his examination, he would not bring him forward. I think it must operate upon the minds of the directors in that way.

804. Do you conceive that the test is sufficiently high to secure an efficient body of public servants?—I think it is. There is generally a large proportion of the candidates who are rejected on their first examination.

805. Do you think that it would be possible to introduce any system of competition into the appointment of civil servants?—That was proposed, as you are aware, at the time of the last Charter; but I doubt very much the advantage of it, it is not always the most brilliant young men that make the most efficient public servants hereafter. On a *vivâ voce* examination a young man of great confidence will pass, and a modest retiring man may fail, and yet hereafter the latter may turn out a very valuable public servant. I do not put much faith in public examinations on that account.

806. Do you see any practical difficulties in the working of that system?—I think it would be very difficult in practice to work it.

807. You do not think it could be tried as an experiment on a limited scale?—It might be tried as an experiment, but I doubt very much whether it would operate beneficially.

808. Do you think that the time that the students remain at college is sufficient; you have stated that you thought a greater time ought to be devoted to European subjects; do you think that object would be attained by keeping the students longer at college?—Two years, when they enter the college at the age they do, which is 18 or 19, is almost as long as would be desirable. Now and then there are instances of young men being there three years from having lost terms, but I think it would be injudicious to extend the present period.

809. What is your opinion of the age at which they ought to go out to India?—I think the present age is a good one; our examination is so severe that very few enter the college before they are 18 years of age, and many of them are older; they are, therefore, on an average, from 20 to 21 on reaching India, and often 22 before they are employed in the service.

810. Viscount *Mahon.*] Besides the Greek, Latin, and the Oriental languages, are any European languages studied at Haileybury?—No.

811. Is not French studied?—No.

812. Sir *R. H. Inglis.*] Will you state to the Committee whether it be not the fact that young men, who have been most eminently distinguished in Oriental languages when they went from Haileybury, have afterwards been found to be the most efficient public servants of the East India Company in India?—There is no doubt of it, because those young men are the most industrious in all their studies; they are the reading-men of the college, and they distinguish themselves accordingly.

813. You have stated the value of classical attainments in the examination of Haileybury, and the system of education there pursued; is it or is it not the fact, that two most eminent men, who have occupied the highest position in India as Governors-general, were very eminent among their own countrymen for their knowledge of classical literature, viz. Mr. Hastings and Lord Wellesley?—No doubt they were both very eminent in that respect.

814. You see no reason why you should debar the servants of the East India Company from the benefit of that enlarged knowledge of philosophy, history, and the study of the classics provided for the young men of England?—Certainly not; I should wish their minds to be as enlarged as possible before they proceed to India.

815. Looking to the general standard of examination at Haileybury, even though it does not include the modern European languages, does it not involve the necessity of knowing matters connected with science, in almost all its branches, hydrostatics, mechanics, astronomy, history, philology, besides Persian, Hindostanee, and Sanscrit, and is it conceivable that any young man could go through that course with any additions that the curiosity of man might desire to invent for him?—I think there is quite enough required of him at the present moment.

816. You think there is quite enough, and you think if any diminution were to be made, it should be made in respect to the Oriental languages, inasmuch as the young men are themselves to go into the countries where best those languages may be learned?—That is my opinion.

817. You would wish not absolutely to confine their attention to subjects of general science or classical literature at home, but principally to direct their attention to such subjects which can be learned here, and cannot be learned elsewhere?—That is precisely my opinion.

818. I hold in my hand the examinations for one year; these are not published, but they are printed, are they not?—Yes.

819. The examinations in 1847 do not form a precedent for the examinations that are to be made in the year 1848?—No; the professors are very careful in their examinations to avoid such precedents.

820. Mr. *Hardinge.*] Is the test at Addiscombe as high as that at Woolwich?—I rather think it is; but I am not acquainted with the test at Woolwich.

821. Have you always understood it to be as high?—I have.

822. Do the cadets who go to Addiscombe, but who are not intended for the engineering and the artillery service, go through the same examination as the others?—The engineer's and artillery appointments are open to all, and those who are more meritorious, and pass the highest examination, gain them; they are the prizes of the institution.

823. Does a cadet who does not succeed in getting an artillery or engineering appointment at Addiscombe get any appointment when he lands in India?—Yes, he gets a commission in the Infantry.

824. Can you suggest any improvement in the course of study pursued at Addiscombe?—No, I cannot; I think Addiscombe is in a very high state of efficiency at the present moment.

825. The Court appoint the professors at Addiscombe?—They do.

826. And they have the sole power of removing them?—Yes; but the President of the Board has a veto on the appointment of Lieutenant-governor.

827. What is your opinion as to the proposal which has been sometimes made of selling a portion of the patronage which is now possessed by the Court of Directors on the public account?—I cannot see the advantage of it.

828. What disadvantage do you conceive would arise from the patronage being transferred to the Queen's Government?—Great disadvantage. I think if you were to establish the principle of selling any portion of the patronage, it might

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lead to the impression that all might be sold; and I think the moral effect would be very prejudicial.

829. Do you think a larger amount of patronage might be given to the Board of Control?—I see no objection to any division of the patronage which the Legislature may think desirable for the good of the public service.

830. Under the present system, the patronage which the President of the Board has is a matter of courtesy?—Yes.

831. Do you conceive that the present system of patronage operates as a grievance of which the civil servants of the Company have really any cause to complain?—I think not.

832. *Chairman.*] In whom is vested the power of changing the system of education in the two colleges?—The 106th section of the 3 & 4 Will. 4, c. 85, is as follows: "Be it enacted, that it shall be lawful for the said Board of Commissioners, and they are hereby required forthwith, after the passing of this Act, to form such rules, regulations, and provisions for the guidance of the said Governor-general in Council in the formation of the estimate hereinbefore mentioned, and for the good government of the said college, as in their judgment shall appear best adapted to secure fit candidates for admission into the same, and for the examination and qualifications of such candidates, and of the students of the said college after they shall have completed their residence there, and for the appointment and remuneration of proper examiners; and such plan, rules and regulations, and provisions respectively shall be submitted to His Majesty in Council, for his revision and approbation, and when the same shall have been so revised and approved by His Majesty in Council, the same shall not afterwards be altered or repealed, except by the said Board of Commissioners, with the approbation of His Majesty in Council."

833. Then the power of changing the system of education rests with the Board of Control?—Yes, and with Her Majesty in Council.

834. Viscount *Jocelyn.*] We have it in evidence from Mr. Melvill, that Mr. Escombe was appointed from Westminster School, and sent out to the civil service in India; are you aware whether the Bombay Government, shortly after his arrival, appointed him as secretary to the judicial department in Bombay?—That appointment took place during the last Charter. There were a certain number of writers examined and appointed, without going to college. There was a demand for a greater number than the college could supply; and I believe Mr. Escombe was one of the parties who were so examined and sent out.

835. Was he not appointed to a high office very shortly after his being sent out to India?—I am not aware of that fact; I rather think it was not the case.

836. Mr. *Keogh.*] Is it possible for any person to obtain admission to either of those colleges without first getting a nomination from a director?—No; he must get a nomination either from a director or from the President of the Board.

837. Sir *E. Colebrooke.*] In the examination for writerships or cadetships, are the claims of meritorious old servants sufficiently considered under the present system?—I think they are.

838. Do you think there would be any advantage in allowing any portion of the present appointments to be made with reference to such claims?—My fear is, that it would act prejudicially to the officers of the service; because if a certain number were appropriated to such a specific purpose, it would be always a patent answer for any director to give to parties asking him for an appointment, that this portion being the number specified by the Legislature, the other appointments should be given elsewhere.

839. Do you think that the directors could be safely entrusted to nominate a certain portion of their number out of distinguished public servants in India?—I think that a system of self-election would be open to great objection; of course, good men would be appointed, but I think self-election very unpopular, and liable to invidious remarks.

Henry Thoby Prinsep, Esq., called in; and Examined.

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840. *Chairman.*] WHAT situation did you hold in India when the Act of 1833 was passed?—I was Secretary to the Government of Fort William in Bengal, and I became Secretary to the Government of India upon that Government being organized.

841. Can you state briefly what occurred when that Act was carried into effect, and

and what was the constitution given to the Government of India under its provisions?—That Act took effect on the 22d of April 1834. At that time Lord William Bentinck was at Ootacamund. He had gone there in February for his health; consequently it was impossible to organize the Government, in the manner required by that Act, on that precise date, because, if you look to the provisions of the Act, you will find it prescribes that the existing members of Council of the Presidency of Bengal shall become the Council of India, with some additions, and the existing Governor-general shall be Governor-general. As Lord William Bentinck was at Ootacamund, and his Council had remained in Bengal, conducting the Government of that Presidency in the old form as Vice-President in Council, the provisions of the Act were not applicable to the state of things in existence. A correspondence ensued between the Governor-general and Sir Charles Metcalfe, who was then Vice-President in Council; and it was resolved, because Lord William Bentinck could not come away from Ootacamund, on account of the war with the Raja of Coorg, and the Council could not join him to pass a law for the case, to leave things as they were at Calcutta. But the Governor-general resolved to form for himself such a Council as he could. He accordingly summoned Colonel Morison, who was a provisional member of Council, and Sir Frederick Adam, the Governor of Madras, and Mr. Macaulay, while Sir Charles Metcalfe remained the fourth ordinary member appointed from England, and with them he sat in Council, and issued orders in the name of the Governor-general in Council. But this was not the Council designated by the Act, and it was quite incompetent for legislation. Accordingly no legislative act was passed as long as Lord William Bentinck remained at Ootacamund, and till he returned to Calcutta in September the Government of India was not legally constituted.

842. What important changes did that Act make in Bengal?—I suppose the constitutional changes have been already explained to the Committee, and therefore it is not necessary that I should re-state them. The separate Governments of Bengal and Agra were formed, and appointments made and gazetted to the Secretariat of India, and of each Presidency respectively.

843. As respects the manner of conducting the business, what change was made?—Immediately Lord William Bentinck arrived in Calcutta, it became a subject of careful consideration how he should carry out the Act. A separate Government for Bengal could scarcely be constituted without a separate set of officers and separate records; the whole of the records then in existence were of course the records of the Government of Fort William; they now became the records of the Government of India. It was found, after much consideration, that the only way to carry out the measure was, to make the same officers secretaries to the Government of India and secretaries to the Government of Bengal in the several departments, that so they might each make separate records from that date forward, and prepare matters for an eventual complete separation. Consequently I was gazetted as secretary both to the Government of India and of Bengal, and it became my duty, as secretary in the financial department, and in what is called the general department, and in several other departments, to take up to the Governor-general, separately from his Council, such matters as related to Bengal, and to take up to the Government of India, that is, to the Governor-general and his Council, such matters as related to the Government of India, and in doing this, as the questions arose, I took the orders of the Governor-general in which set of proceedings to enter each case, and in that manner a commencement was made of a separation of the records, and the Governments were constituted. It would have been very difficult to carry this part of the Act out in any way except this, that is, by making at once the same secretaries, secretaries for both till the separation could be made. In my department there was no addition made to the establishment, nor in the political department; but in the judicial and revenue, which were annexed to the political and placed under Mr. Macnaghten, together with the new legislative department they created for all India, they appointed a deputy-secretary for Bengal, who was Mr. Mangles, a member of this Committee. Mr. Macswean, the secretary of the old Government in the judicial and revenue department, was made chief secretary of Agra.

844. What changes did it make to the military and civil services, if any?—That was one of the first questions that arose, how to separate the services for Bengal and Agra. It was at once determined by the Government of India that everything connected with the military should be considered as belonging to the Government of India only, and it is so to this day. Nothing connected with the military

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department is recorded upon any proceedings of the Government of Bengal; the military secretary never goes for orders to the Governor-general separately in his capacity of Governor of Bengal, but he takes every military question before the Governor-general in Council. Then, in respect to the civil services, some questions arose which had formed the subject of correspondence between Lord William Bentinck and Sir Charles Metcalfe, before the arrival of the former at Calcutta. It was of course determined at once to annex to Agra all those civil servants who held offices in that division of territory which was made to constitute the Presidency of Agra, and to consider as belonging to Bengal all those who held offices under the Government of Bengal. But then came the question, how to appoint the junior servants afterwards to one or the other Presidency, and in case of their desiring to change from one Presidency to the other, or of the Governors repectively wanting the services of an officer attached to the other division of the Presidency, whether that should be allowed, and whether civil servants in Agra should be considered entitled to rise to higher situations in the Presidency of Bengal, in case promotion should be slower in their own division.

845. Sir *C. Wood.*] With reference to your last answer I wish to ask a question: is not the army the army of the Presidency of Bengal?—It is the army of the Presidency of Bengal, but the same army is also the army of the Presidency of Agra.

846. Orders relative to the army which belongs to the Presidency of Bengal emanate, as I understand you, from the Governor-general in Council, as distinct from the Governor of the Bengal Presidency?—Every question connected with the army goes at once before the Governor-general in Council; it was so as long as I remained in India, and I believe is so to this day: the secretary of the military department being exclusively the secretary of the Government of India, and not being considered the secretary of the Government of Bengal at all.

847. The Government of India, as distinguished from the Government of the Bengal Presidency, as I understand you, exercises military authority exclusively over the Bengal army; is that the fact as regards the army of the other Presidencies?—It is so in Bengal, but not either in Madras or Bombay, which have their own armies, and manage everything connected with them, even to the confirmation of sentences of courts-martial, and appointments to the command of divisions.

848. Mr. *Hardinge.*] What is the case with regard to the irregular corps in the Bengal Presidency?—I believe every military question arising out of the formation of those irregular corps goes before the Governor-general in Council; the patronage is wholly with the Governor-general; whether he exercises his patronage as Governor-general or as Governor of Bengal is immaterial. I believe the fact of there being but one army for the united Presidency was a difficulty which was not considered when the Act was framed, but the matter has been settled in India, by keeping the army under the Supreme Government.

849. *Chairman.*] The patronage of Agra rests with the Governor-general?—Yes. I was speaking of the military patronage; the civil patronage was a different question; the Agra Presidency was constituted by the Act, and Sir Charles Metcalfe was declared to be the first Governor. Then, before Lord William Bentinck left Ootacamund, a correspondence arose about that very patronage. Lord William Bentinck wished to reserve to himself in Council the superior situations of members of the Boards and the Sudder Courts. Sir Charles Metcalfe thought it would be derogatory to his position as Governor of Agra to have less patronage in respect of that appointment than the Governors of Madras and Bombay exercised. Upon this a correspondence ensued, and the result was, that it was settled by a resolution of the Government of India, that the patronage of the Agra Presidency should be with the Governor of Agra, with the exception of the superior situations, and that with respect to them a reference should be made to the superior Government for approval and confirmation before the appointments were made, and the same thing was determined with respect to the Government of Bengal; so that the Governor himself is obliged to bring those superior situations before the Governor-general in Council for confirmation. That was settled at the time when it was determined that the Government of Agra should be maintained as a Government, and that the Presidency should be made entirely separate, as provided by the Act; but the Court of Directors, when they saw the correspondence that had taken place upon this subject, and upon the division of the services between Sir Charles Metcalfe at Calcutta and Lord William Bentinck at Ootacamund, considered that it would be advisable to suspend the separation of

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the Agra Presidency, and they obtained an Act of Parliament authorising them to do so, and to substitute for the Governor a Lieutenant-governor. The difference that this made was, that being a Lieutenant-governor under the Governor-general of India in Council, the power remained with the Governor-general in Council to determine the extent of power that the Lieutenant-governor should exercise, and it has always been so done ever since.

850. Was there any change in the system of keeping accounts?—The subject of the accounts was a very difficult one, because all the debt of India was the debt of the Supreme Government, and the accounts of India also have to be reported upon to the Court of Directors, and every financial measure of importance to be determined by the Government of India. It was accordingly resolved to keep the financial department for the most part under the Government of India, and there has been no separation of the offices of the account in Bengal. For instance, the Accountant-general for India is also the Accountant-general for Bengal. The Mint and the Bank of Bengal were also managed for some time by the Government of India, especially while the currency was under change; it would never have done, as every financial great measure involved the interests of the Indian empire at large, to have let matters of this description pass under the subordinate Governments.

851. Will you state the process adopted in conducting the correspondence between the Governments of India and the Court of Directors?—The proceedings of the Governments are accurately kept by the secretaries; under their responsibility every letter addressed to them is recorded and written out in the proceedings at length, with the answers. Upon questions requiring a reference to the Court's authority, and in matters of more than ordinary importance, separate letters are prepared and written; but upon the whole record it is both usual, and I believe it is conformable to the orders of the Court, that a report should be sent every quarter, which reviews the whole proceedings of the Government, and is called a quarterly general letter; that is, every letter of any importance on the record, and the substance of the reply, are abstracted and reported in paragraphs of this general letter, and these general letters are sent home now with the collections of papers referred to in each paragraph; three copies of the Government proceedings used to be sent quarterly, the whole proceedings being completely copied out in triplicate for the purpose; but when collections were sent home one copy was dispensed with. The letters thus transmitted are replied to by the Court with the same detail, every paragraph having its paragraph of reply. With regard to the despatches of the Court of Directors, immediately upon their arrival in India they are circulated to the members of the Government, who read them, and the secretary attends with them in Council and takes the orders upon them, paragraph by paragraph. If any member of the Government have anything to observe thereupon he may do so by separate minutes. It is then the duty of the secretary to write the resolution upon every paragraph seriatim, which resolution is the foundation of orders, if such are required, to the subordinate authorities, and at the same time gives the substance of the reply, when the time comes to make the reply to the Court of Directors.

852. The time occupied in transmitting a communication and receiving a reply varies according to the information that it is necessary to obtain?—It varies, of course, according to the nature of the matter contained in the despatch; sometimes orders may be required to be sent to a subordinate Board, calling for an explanation, before a full reply can be sent; those orders appear in the record as issued on the day when the Court's despatch is read, and the reply is entered on the record on the date when it arrives, and is laid before the Council. In replying to the Court these letters are all referred to, and the substance of the specific statements is given, but the receipt of the despatch is always separately acknowledged.

853. Have the changes which have been made of late years, in the mode of preparing the despatches, caused an increase of trouble and expense in India?—Under the present system, we have to make the collections in India for every paragraph, and to send the collections home in duplicate; of course, that caused a great addition to the trouble in the secretary's office, and there were additional clerks entertained on the establishment for the purpose; but it a is mere mechanical office preparing these; it is done by people in India, who receive a very small pay.

854. With respect to preparing despatches for the Court of Directors, upon matters of ordinary routine, how is that done?—The orders upon the despatches

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are written in pencil in the margin by the secretary himself, in the form of a resolution, upon each paragraph, or he drafts a separate resolution if the subject requires it. The form is, "Resolved, that copy of this paragraph be sent so and so;" sometimes an explanation is required from the Court; this is recorded in the proceedings in the same form, and then it is a mere mechanical thing, that any clerk can do, to take the words of the resolution, and merely change the tense; instead of saying, "Resolved, that it appears to the Governor-general that so and so," the clerk writes, "We observed," or "It appeared to us." It has been the study of the secretaries, and necessarily so, considering the quantity of business which they have in India, to make the preparation of these despatches as mechanical as possible, and that part of the business is usually done by ordinary clerks, with a little supervision; therefore, supposing the clerk to have the resolution properly drafted in the first instance, the rest all proceeds in form, and the secretary has nothing to do but to read over and approve of what he prepares. In like manner, the reporting of the despatches from the subordinate authorities, which are reported in so much detail, is quite mechanical; the clerk takes the docket of the letter and copies it almost verbatim, as the substance of the report of the inferior authority; then he takes the draft of the order, perhaps omitting the first paragraph, and merely alters the words, "The Governor-general in Council observes so and so," to say "We observed," &c.; so that the preparation of these reports, though the quarterly reports look very formidable, is in fact so mechanical, that it is not the great labour by any means of the secretary's office.

855. In respect of despatches through the Secret Committee, where you require secrecy, what precaution is taken; what officers are employed in their transmission and custody?—We are required by law to swear in all clerks whom we entrust with secret correspondence, and accordingly they are so sworn. There is a Secret Department of the political, and there is also a Secret Department of the finance; and sometimes there is as much secrecy, indeed greater secrecy, required in financial measures than in political ones.

856. Who opens the secret despatches on their receipt in India?—It used to be the rule that the chief secretary received the despatches upon their arrival from the ship, and opened them, and distributed them to the different departments; but when the chief secretaryship was abolished, the Governor-general transferred that duty to the political secretary, because most of the secret despatches are found to belong to that Secret Department.

857. What supervision and control are exercised by the Governor-general over the proceedings of the Governments of the subordinate Presidencies?—The Governor-general in Council of the Presidency of Fort William, in Bengal, which was the old Government, had a superintending power over the other Presidencies, but not a power equal to that which it was intended by law to vest in the Government of India; accordingly, it became a question how to extend this control conformably to the Act, and it was determined, in order to do this, and as a substitute for the transmission of proceedings in extenso, which these Governments continue to do to the Court of Directors, to call from each of the Presidencies below for abstracts of their proceedings, which abstracts, on coming to the different departments, it is the business of the secretary to overlook, and to put a cross upon any matter which he deems of more than ordinary importance, and then to take the orders of Council as to whether the papers shall be called for. This is besides, of course, what the Governments themselves refer, because of the incompetency of their own powers, which references include all questions of salary or new appointments, and all questions of law requiring legislation; indeed, all important subjects; but the control that I have described is separate from that which originates with the Governments themselves, and in references from them for orders.

858. The Court of Directors have the power of naming or removing Councils in the subordinate Presidencies, it being now the case that Councils exist in Bombay and Madras, and not in Agra; which works best, do you think?—The law no doubt gives the Court of Directors the power of determining whether there shall be a Council or not, and of how many members the Council shall be composed. They have limited the number of members of Council to two at Madras and Bombay; and I believe it was their intention that such members of the Council of India as might be qualified by being civil servants of the Presidency should also be members of Council in Bengal; but it was decided, I believe, under legal advice, that the two duties would be incompatible; consequently, to save expense, there has been no Council appointed for Bengal; and the Court of Directors

Directors determined that no council should be appointed for Agra for the same reason. When the Agra Presidency was made a Lieutenant-government, then there was no legal necessity, nor indeed would it have been competent, I think, to have appointed a Council to assist the Lieutenant-governor; it was only while it was a government that there was any discretion left in the Court of Directors as to their having a Council, or not having one. The duties of the Agra Presidency have always been conducted by the Lieutenant-governor, except for a few months, when Sir Charles Metcalfe was there as Governor; and considering the nature of those duties, and at the same time the nature of the officers who have been selected for the service there, I have no reason to think that a council could have done better.

859. Do you think that there would be any benefit in abolishing the Councils at the other Presidencies?—I think that would very much depend upon the class of persons from whom you selected the Governors; if you sent Governors from England who were unacquainted with India, and with the system of government at the particular Presidency, then to leave them without a Council would be creating a despotism; they would consult only such persons as they chose to consult, and there would be no control except through the Government of India. I think the necessity imposed upon the Governor of consulting persons acquainted with the customs of the Presidency, and selected for the purpose by the Court of Directors, is a very useful check; at the same time, at the other Presidencies there are separate services which there are not in Agra; there is the military, and there is the civil service; there are also supreme courts; and there is a greater prestige about a Governor with a Council, than there would be about a Governor without one.

860. Has the appointment of a legislative member from England improved the constitution of the Council?—There is no doubt that it has added somewhat to the prestige of the Council; it has been supposed to have infused into it some of the wisdom of the Legislators of this country; and so far as the preparation of laws has gone, that member has been of very great use; but the measure had the effect of strengthening what you may call the British element in the Council; it gave those who might all be fresh from England an absolute majority in the Council; there were the Governor-general, the Commander-in-Chief, and the fourth legislative member; they might all have been only one month in the country, and yet they would be an absolute majority in the Legislative Council. This, on ordinary questions, of course would be of little importance, but still there are questions on which those members might be influenced by English prejudices in opposition to the other members of Council.

861. Mr. *V. Smith.*] Does the Legislative Councillor vote upon all questions?—He did in the first instance, while the Council sat at Ootacamund, but that was a separate commission, created for the exigency, and not under the Act of 1833. That law prescribes that he shall only sit and vote on questions connected with legislation.

862. It was only on such questions that a majority could have been obtained?—Yes; my answer referred only to the legislative member as participating in the same views with the members not of Indian domicile. He would vote on many questions on which this influence might be felt. Upon such a question as the *lex loci*, for instance, that is, whether the English law shall be the law for all foreigners, except Hindoos and Mussulmen; that is a question on which English prejudice might operate against Asiatic prejudice.

863. Was that a sort of question in which the Commander-in-Chief would much interfere?—He would ordinarily vote with the Governor-general upon any questions of this description.

864. *Chairman.*] Do you think it desirable to retain this fourth or legislative member of the Council?—It would depend in a great degree upon whether you kept the Council upon the same footing as it is now in other respects; having established it as a rule to have an English lawyer in the Council, I think there would be a benefit in retaining some one of this profession; but whether he should be a separate legislative member as now, or one of the Judges called in to take a part, I am not prepared to say; I do not know that there is any particular advantage in sending a man from a circuit out to India, but a lawyer would, I think, be an advantage.

865. What do you consider to be the checks against abuses, if there are any in the constitution and government of India at present?—I think the best security

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you have for good government, is in the necessity of recording everything that is done, and copying on the record every letter that is written to Government, and every answer; the necessity of reporting all matters, and transmitting them periodically for review by the Court of Directors, appears to me also to be a very wholesome check, and such a check as has never, I believe, been applied in any other government; we in India consider that as the bestsecurity that can possibly be established against misconduct or irregularity of any kind.

866. It is necessary to keep a constant record, and make full report of everything that occurs?—Yes; it is necessary to place everything on record; no discretion is vested in any member of the Government, or in the secretary, of changing or withholding from the record anything which is addressed to the Government, and the exact nature of the reply to it.

867. Has the Governor-general any power of omitting in his report anything that occurs?—Certainly not; it would be considered unconstitutional if he did so.

868. Can you suggest any improvement in that security or check against abuse?—I cannot fancy a more complete security; and the only mode of perfecting it is, by perfecting the record and expediting the period when the review can be made; it is now, I believe, practically brought to a very short period in most departments at the India House; but it is through this perfect knowledge of everything that not only the Court of Directors, but Parliament, can at once be put in possession, without any reference to India, of any matter that has been done, even while it is in progress, because papers are required to be sent home periodically; and if they are not reported in separate letters, they are sure to be found in the quarterly proceedings which are sent home.

869. Are the governments of the minor presidencies obliged to return everything to the Supreme Government of India?—The Governments of Madras and Bombay have the privilege of corresponding direct with the Court of Directors. They send their proceedings to the Court, and furnish abstracts only to the Government of India. They have also their separate services. A question arose very early upon the constitution of the Government of India, as to whether, in the case of misconduct or of an inquiry into the conduct of any servant and his being dismissed, or suspended, or removed from office, the appeal should lie to the Court of Directors or to the Governments of India; and it was determined that, in consequence of the existence of separate reports to the Court from the subordinate Presidencies, and in consequence of the fact that the servants there were the Company's servants, placed under the authority of those Governments by the Court of Directors, the appeal should lie to the Court and not to the Governments of India. Therefore any aggrieved servant in those presidencies is not considered to have an appeal to the Governor-general in Council, but he must appeal to the Court of Directors.

870. Do the Governments of these two Presidencies refer matters of public expenditure to the Supreme Government of India, or to the Court of Directors?—They are bound to refer to the Governor-general in Council every matter that relates to the creation of a salary, or the grant of any allowance, however small. No doubt there is some inconvenience in that, but such is the law. But they are not bound to refer to the Governor-general other matters of expenditure, such as public works: that has been settled by instructions.

871. Sir *E. Colebrooke.*] Can you refer to the clause in the Act of Parliament upon that subject?—The 59th clause of the 3d and 4th of William the 4th, chapter 85, has these words: "And provided also, that no Governor or Governor in Council shall have the power of creating any new office, or granting any salary, gratuity or allowance without the previous sanction of the Governor-general of India in Council."

872. *Chairman.*] Has that been productive of inconvenience or injury to the service?—It leads to the necessity of making a reference to the Governor-general in Council, even when you want to increase the number of burkandazes at a police station, and the rule was established of their making periodical reports of these minor matters. The Governor-general did not require the employment of each additional menial servant, in a public office, for instance, to be separately reported, but every quarter reports are made, in the form of a statement, of the additions and changes of the establishments made in the quarter, and these are so passed under the review of the Governor-general in Council.

873. Mr. *Herries.*] In point of fact, the previous authority of the Governor-general is not always obtained?—It is for the creation of a new office, with a separate

separate establishment; but there was a correspondence upon the subject between the Governor-general and the subordinate Governments, and the Governor-general desired them to report such matters only for previous sanction, and to send up things of less importance in tabulated statements.

874. That is not in strict conformity with the Act?—It is perhaps not in strict conformity with the Act. The appointment of menial servants, such as porters at a public office here, is returned every quarter to the Government of India, and so receives the requisite sanction.

875. *Chairman.*] Should you recommend a strict adherence to the Act, or should you recommend a change?—The practice that has been adopted I think is a very good one; everything does pass under the review of the Government of India, and ultimately is sanctioned by them, and the inferior Governments are not fettered in the nomination of petty officers—of customs or excise, for instance, by the necessity of a previous reference, but they rely upon obtaining the sanction of the Government of India when they make the quarterly report.

876. Then I understand you to say that you think the present system is not productive of injurious delay or inconvenience?—On the contrary, I think it very necessary that the creation of every new office in the Presidencies should pass under the review of the Government of India.

877. Is the consent of the Governor-general necessary in the case of expenditure for public works?—I was present when Mr. Melvill said that it was required by law, but it is not so; it has been arranged by instructions from the Governor-general of India in Council to the subordinate Governments, and by instructions from the Court of Directors to the Governor-general in Council; at the time when the Act took effect, there was an order from the Court of Directors that no work requiring an expenditure of more than 10,000 rupees should be undertaken by any of the Governments, neither the Government of India, nor the Governments below, without their sanction first obtained; but the Court of Directors enlarged the discretion in the case of the Governor-general in Council to the extent of 50,000 rupees; and now I believe the rule to be as laid down by the Governor-general in Council to the subordinate Presidencies, that they are to refer to the Governor-general in Council all works requiring an expenditure of more than 10,000 rupees according to the estimates; and I believe the same rule has been established for Agra, but I am not certain.

878. Sir *E. Colebrooke.*] Do you think the control of the Governor-general in Council, with reference to public works, necessary?—Certainly I do, because the Government of India ought to judge of the roads of India, and to regulate them according to some general principle, and if they have one principle for the roads of one Presidency, and another principle for the roads of another Presidency, there will be no uniformity of proceeding on that very necessary point.

879. Has not the interference of the Government of India been complained of by the subordinate Presidencies?—I believe there has been very great complaint at Bombay, because having no river open to navigation they were very desirous of making a complete network of roads all over their Presidency.

880. That was checked by the Governor-general in Council?—That was checked from financial considerations, the Government of Bombay having no surplus revenue from which to pay for those works.

881. Do you think the control over the Presidencies of Bombay and Madras in legislative matters is a necessary one?—I think that that also has been productive of great good, because it has produced a uniformity. I have sat for some time in the Legislative Council, and I can safely say that there has never been the least disposition there to refuse sanction to any fair or reasonable proposition submitted by the other Governments: and when legislation has been required, I will also say from my own experience, there has never been a draft from the other Presidencies which has not been much improved in its passage through the Legislative Council.

882. Do you in giving that answer refer to the technical details, or to the general principles of legislation?—To both the one and the other; many laws for the other Presidencies were made entirely by the officers of the Government of India; for instance, the Customs laws of Bombay were made in Calcutta; they were made in my office.

883. Do you mean the laws regulating the inland Customs, or the Customs of the port?—The inland Customs have been abolished. The salt law for Bombay was made also in Calcutta.

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884. Has there been much legislation on judicial matters by the central Government?—I cannot speak so much as to what has passed in that department, never having had that department specifically under my charge, since the Government of India was established.

885. Does the fourth Legislative Councillor, who is appointed from England take part in the Councils referring to the Executive Government of India as well as to legislation?—He used to sit in the Council, whatever might be the business which was brought before it, and it was argued that his seeing the course taken on executive measures would assist him in preparing legislative measures, but he never voted upon any question in the Executive department on which there was a difference of opinion. Lord Ellenborough objected to Mr. Amos's sitting, and I believe till the Court of Directors gave an opinion upon the subject, the sitting was discontinued; but I think that the Court was sensible that there was no inconvenience in his sitting and seeing what was done in the Executive department, and therefore that practice has since been restored.

886. Do you understand clearly from the Act that it was not intended that he should sit in the Executive Council?—The words are, "sit or vote," which gives, of course, to the Council, or any member of that Council, the power of moving that he should retire. But in the same way the Act gives the secretary no right to be there; although the business could not go on without him. These are the words of the 40th section; "And that the fourth ordinary member of Council shall, from time to time, be appointed from amongst persons who shall not be servants of the said Company, by the said Court of Directors, subject to the approbation of his Majesty, to be signified in writing by his Royal sign manual, countersigned by the President of the said Board: provided that such last-mentioned member of Council shall not be entitled to sit or vote in the said Council, except at meetings thereof for making laws and regulations." Therefore he has no claim of right to be there in the same manner, as the secretary has not any claim of right to be there, but he may be there with the consent of the other members, and it is an advantage, I think, that he should be there.

887. Viscount *Jocelyn.*] You said that at first he did vote?—He did not vote; he sat there, and I believe he saw the drafts that were circulated for approval by the secretary, in order to carry out the resolutions of the Council, for that is the form in which the business is done: he voted at Ootakamund, but that was before the Government of India was properly constituted.

888. Mr. *V. Smith.*] You stated that Lord Ellenborough objected to Mr. Amos sitting in the Council, and that the East India Company have since approved of the Legislative Councillor sitting there: did Mr. Amos enter any protest at the time?—No, he did not; he said at once that he was quite aware that he was not entitled to sit there, and if the Council, or any member of Council, objected to his sitting there, he would at once retire, and he did retire.

889. How did the question come before the East India Company; was it referred home?—No; the proceedings which took place with regard to Mr. Amos retiring from the Council were not recorded, nor was any official reference made of the point.

890. When you say the East India Company has since waived the objection, how was that done? Was there any correspondence, or anything which could be shown to the Committee?—I am not sure that there was. I was not in India when the change was made, and he resumed his seat; I left in 1843. But I have heard that there was an expression of opinion upon the subject from England.

891. To your knowledge, has there been any written document upon the subject?—I cannot say whether there has or has not.

892. Mr. *Hildyard.*] Was not the main object of the appointment of the fourth Councillor the preparation of a general code of laws for India?—Yes; that is indicated in one clause of the Act. I think the intention was to prepare laws for India so as to allow of the residence of Europeans, and that Europeans should be tried in the courts of the country upon the same terms as the natives, and to make such a code of laws and system of judicature as should allow of that.

893. Has any progress been made in the preparation of such a code?—That was the immediate duty of the Law Commission, rather than of the Legislative Councillor; but the Legislative Councillor accepted the office of President of the Law Commission. There has not been much done in providing laws for the interior; but what has been done has been rather by subjecting Europeans to the law as it stood, with very little alteration, instead of making the laws specially adapted

adapted to the different characters and circumstances of British subjects and their natural rights.

894. The office has existed since 1834?—Yes, the fourth Councillor has existed since that time; but the Law Commission has been in existence for only a part of the time.

895. Has any practical benefit resulted from the existence of that office, so far as the preparation of a code of laws for India is concerned?—My opinion is, that laws have always been best made as occasions arise to require laws; and in so far as occasions have arisen in the last 20 years, they have been provided for by laws adapted for the occasion.

896. Then what great practical good has resulted from the existence of that office?—If we suppose that the laws have been better considered and better prepared through the presence of the legislative member in the Council, that in itself is a practical good.

897. You preface that by saying "if"?—I have said before, that I thought a man well acquainted with the science of law, who had made laws the subject of his special study, if put in the Council would act beneficially in the preparation of the laws which the legislative Council might be called upon to pass; and that passing through his ordeal they would be better than they would be without being subject to such an ordeal.

898. Then you think that that office, the salary of which we know is very large, is an office which it is desirable should be continued?—I do not go so far as that. I have only said that I think it desirable to infuse into the Council such benefit as a professional lawyer can give to it; but whether he is to be a member of Council, on the footing of the present or on any other footing, is a different question.

899. Mr. *Herries.*] In point of fact, are you aware that a code of laws has been prepared under the direction of the officer to whom we have been alluding?—A code of criminal laws has been prepared, but has not been passed. It is no doubt frequently referred to, and extracts are made from it in any cases of importance that arise where a law is required for the purpose, and several of its chapters have so been incorporated I believe into the laws that have been passed from time to time.

900. The whole of that code is under consideration now?—Yes, the whole of it is under the consideration of the Government of India, but it has not been adopted yet.

901. Sir *J. Hogg.*] The duties of the Law Commissioners and of the Legislative Councillor were separate and distinct?—They were so.

902. And the connexion of the Legislative Member with the Law Commission arose, not from a provision of the Legislature, but from his having consented to act as President of the Law Commission?—Entirely so; it was quite optional with him.

903. Sir *E. Colebrooke.*] When was the Law Commission discontinued?—It was discontinued at the time I was not in India.

904. Mr. *Baillie.*] Has not the Governor-general an Advocate-general, or some legal adviser that he can refer to when necessary?—There is the Advocate-general, who is the leading counsel of the bar of the Supreme Court.

905. Might he not be consulted on any legislative measure without its being necessary to have a Legislative Member of Council to consult?—It was the practice when I was in India to consult the Advocate-general, whenever the Government desired it, but not to pass laws through his revision.

906. Any law might be submitted to his revision?—Yes; and many laws have been so submitted to his revision, and he has prepared several which are now part of the general code.

907. Sir *E. Colebrooke.*] Are not all laws referred to him?—Not necessarily.

908. But the Governor-general is in the habit of consulting him?—Yes; when a law is to be prepared, it is the desire of everybody concerned in the preparation of it to make it as complete as possible.

909. Do you think any advantage would arise from the number of the Legislative Council being enlarged by including within its body other public servants, heads of departments?—I am to understand by that, that you propose a Legislative Council separate from the Executive; it is a point which deserves consideration. I cannot say that I have given it much consideration. I dare say a larger

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body would give more mature consideration to the different subjects which might be brought before it, but it might be more difficult to manage.

910. Do you think it would be advisable to appoint residents in Calcutta, to assist in the deliberations of the Legislative Council, in the same way as residents do in many of our colonies?—I regard the legislation of India as merely a branch of the Executive; it is the form in which orders which are intended to be permanently carried out, are communicated to the people, and unless you wished to introduce the element of self-government into India, I think it would be difficult to make a Legislative Council of the kind you propose.

911. Do you think that the enlargement of the number of members of the Council, by appointing as members of it the heads of departments, as well as private individuals, necessarily involves any system of representation?—No, it does not; but it involves the necessity of admitting to your consultations people whom you know often to be opposed to you in opinion; that leads to discussions which will be taken up by the public very warmly, and the minority would appeal to the public more frequently.

912. Your apprehension is more with respect to the effect of discussion in India than the laws that would be likely to be passed?—I should think it would create agitation upon every question, which now we do not find to be the working of the system.

913. Do not the Indian Governments publish their laws now before they are passed?—Yes.

914. Has that practice long prevailed?—It was adopted very soon after the constitution of the Legislative Council, but not for the first few months. It was then determined, by a formal proceeding of the Legislative Council, to allow Acts to be ordinarily published for two months or six weeks before they were finally passed, so as to allow parties interested to memorialize the Government upon the subject, but there is a power reserved of dispensing with this when necessary.

915. Did that lead to discussion in the newspapers or in public meetings?—It has led to discussion whenever any law has been proposed which affected the position of Europeans in India, such as subjecting them to the native courts.

916. You mean laws which affected the relation between the provincial courts and the supreme courts?—Yes; and it has also produced agitation in matters that relate to the laws and customs of Hindoo and Mahometan population.

917. Was it an agitation that you consider objectionable?—Certainly; I think that neither of the subjects I have referred to should have been touched upon without great consultation with the parties affected before the law passed. But when resolved upon there is advantage in doing it at once. Let us suppose it was the question of the abolition of suttees; if you published an Act without having consulted the heads of the Hindoo community, the publication of that Act would raise a flame, and so after the measure was matured with the assent of many, if you passed it piecemeal, inviting opposition at each stage.

918. Do you think the publication of the Acts on the whole, and the discussions which such publication has given rise to, have been beneficial, or otherwise?—I think upon ordinary questions the time allowed for further consideration, before passing laws through the Legislature, has been attended with great advantage; it has led to many Acts being amended before they were finally passed.

919. Are many memorials presented to the Government of India, relating to Acts that are so published?—Very frequently memorials have been presented and I think public officers have written letters upon the subject of the Acts; functionaries of the interior, whose attention was drawn to the Act, when published as a draft, have seen defects in it, and they have addressed a letter to the secretary of the department, and that has been brought under the notice of the Council, so as to lead to the amendment of defective provisions.

920. Then the result of the publication has been favourable?—Yes, I think so; and I concurred in the resolution to make the publication in the ordinary course before the passing of the Act. I was in the Council temporarily at the time.

921. Before the last Act, the Governor-general acted with his Council in the administration of Bengal, did he not?—He did.

922. Now he acts independently of the Council?—He is now Governor of Bengal, independently of his Council.

923. Do you consider that change a desirable one, or do you recommend a return to the old system?—I think that was the most imperfect part of the scheme established by the Act of 1833.

924. You think that the Governor of Bengal ought always to act with a Council?—I am of opinion that the Government of Bengal would be most efficiently administered, if it were administered by the Governor-general in Council, because the Governor-general must come out to India without any knowledge of details, and without any knowledge of the character of the principal functionaries; and if he conducts the Government of Bengal without the aid of a Council, he is dependent entirely upon the advice that is given to him by the secretary. If a Council is of advantage in any respect executively, one would suppose that it would be in the details; and if the argument that the members of Council have not time to attend to that business were of any weight, it would have double weight with the Governor-general, who has much more to attend to; in fact the members of Council now have most leisure of any public officers in India.

925. Mr. *Hardinge.*] What is your opinion of the advisability of having in Calcutta a permanent Governor of Bengal, as you have a permanent Deputy-governor of the North-western provinces?—I am not sure that there would be the same advantage as would arise if the Government of Bengal were vested in the Governor-general in Council: for then the power which they used to exercise, they might continue to exercise, of creating Boards for any details that were too much for the Council, each Board in its respective department being a *quasi* Lieutenant-government, and being on the spot the members of the Board could apply at once to the head of the Government, or to the secretaries, for any further instructions; the intervention of a functionary between those Boards and the supreme authority I should think would be unnecessary.

926. Do you not think a great disadvantage arises to the service from there being the continual changes of the Deputy-governor, which take place under the present system?—That no doubt is one of the great defects of the present system; the present system requiries that on the Governor-general leaving the Presidency, one of the members of Council shall be made Deputy-governor of Bengal, and it has always in practice been the senior member of Council who was nominated Deputy-governor; now the senior member of Council may be a Madras officer, as it was in the case of Sir William Morrison, and his period of four years service in Council may expire in a month, which renders a new appointment necessary, which is inconvenient.

927. There is a military officer at this moment?—Yes; he is a Bengal officer, he knows nothing of the detail of administration, and yet he has the whole patronage of Bengal, and the whole judicial and political administration to conduct in all its details without a Council.

928. Viscount *Jocelyn.*] Is it not a matter of notoriety, that Agra, since the appointment of a Deputy-governor there, has been improving, whilst Bengal, under the present system, has not been improving, but has been standing still?—When the Agra Presidency was constituted, the proceedings of the North-western Province had always been kept separate, and therefore they were easily divided from the others, and carried away by the secretary. The government of that Presidency was carried on by Sir Charles Metcalfe, as it had been carried on before at Calcutta, and by the same secretary, and a system was established by him, which was acted upon afterwards by each succeeding Lieutenant-governor. There is no doubt that having a government on the spot has led to matters being more promptly considered, and perhaps maturely considered, than they would have been if there had been a reference required to Calcutta when the officers through whom it would be made had much other business to attend to, and therefore there has been a great advantage.

929. Do not you think that the rapid changes of the Deputy-governor of Bengal, which have taken place of late years, must have acted injuriously to that Presidency?—That has arisen from the necessity of appointing one of the members of Council Lieutenant-governor, and from the practice of always appointing the senior, because members of Council are appointed for five years; the senior may have a month only of his term of office to run, and yet in consequence of this practice he is placed for that month in charge of the Government of Bengal, and upon vacating his seat in the Council he vacates his office as Governor; then the next senior member may have only two months of his term of office remaining, and he is in the same manner appointed Deputy-governor.

930. Do you not consider that the rapid changes of Deputy-governor have acted injuriously to the Government of Bengal?—I think the Government of Bengal has not been so well administered since the late Act as it was before.

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931. Mr. *Hardinge.*] Do you think that the Governor-general could administer the affairs of India, and conduct the administration of the Presidency of Bengal at the same time?—With the aid of his Council he might.

932. Do you think that the immense mass of business that he has to attend to in administering the affairs of all India is no bar to his doing the duties connected with the Government of the Presidency of Bengal with efficiency?—Coming as a stranger to the country, and not knowing very much at first respecting the details, there is no doubt that he does find it more than he can do, and he is obliged to rely upon his subordinates; whereas, if the questions which arise were brought before the Council, he would hear those questions discussed by the members of Council, and he would see whether they were rightly determined without taking too much trouble about them.

933. He has the power of referring every question that comes before him to his Council?—He does refer a great many questions to the Council; but still having the legal right of doing everything himself, and having a separate secretary for Bengal (for the separation has now been carried out completely), those references are not so numerous now as they used to be.

934. Do not you think it desirable that the Governor-general should retain the patronage of the Bengal Presidency in his own hands?—He must do so, or he would lose much of his authority and influence. He must have the patronage, and be the source of honours and emoluments, or he would be little better than a private gentleman to whom matters might be referred. When Lord Auckland had been about a year in India he consulted me about going to the North-west provinces, when Sir Charles Metcalfe conducted the Government and exercised the patronage; I recommended him not to go, unless he could assume the Government and exercise the patronage. The resignation of Sir Charles enabled him to do this, and while he remained there was no Lieutenant-governor appointed.

935. Do you conceive that inconvenience has resulted to the Government of the North-western provinces, from the Governor-general exercising his patronage in that country?—When the Governor-general goes into the North-western provinces, he supersedes his own Lieutenant-governor, because the authority of the Governor-general is of course considered to override the authority of the Lieutenant-governor; he then settles with the Lieutenant-governor in what manner the patronage shall be exercised; that is to say, what appointments shall be made by the Lieutenant-governor, and what appointments shall be referred to him. I believe it has been the practice to keep the superior appointments with the Governor-general, that is, every collector and every magistrate is of his nomination.

936. Have you not known instances in which the whole patronage has been left in the hands of the Lieutenant-governor of Agra by the Governor-general?—I have not the least doubt that the Governor-general would almost universally adopt the advice of the Lieutenant-governor, but that has not always been the rule.

937. But you have known that to be the case, have you not?—You are speaking of a time subsequent to that when I was in India. When I was in India, Lord Auckland held in his own hands the entire government, but the Lieutenant-governor appointed every officer himself, and Lord Ellenborough, when he went up to the North-western Provinces, summoned the Lieutenant-governor, and did everything in communication with him; but I am not aware how they settled the patronage in detail.

938. Was the appointment of magistrates and collectors in the North-western Provinces always submitted to Lord Ellenborough for his sanction?—I fancy it was.

939. Do you conceive that there would be any inconvenience as a rule in leaving the patronage of Agra in the hands of the Lieutenant-governor?—I think it very well on the footing on which it now stands, that is, with power in the Governor-general to take as much or as little as he pleases.

940. Viscount *Jocelyn.*] In what mode are the higher appointments made, such as secretaries?—The Government always look out for efficient men to appoint to those offices, for their own convenience; otherwise the members of Government would have to do the business themselves.

941. Promotion does not go by standing, but it goes according to selection?—It can only go by selection for those offices.

942. Is that the case with respect to appointments as members of Council?—Every civil servant is considered to have a fee-simple as regards office; he must have some office, and therefore in practice he is considered entitled to rise according to seniority, but he has no right to any particular office; another may be prepared

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if thought more fit for a particular office, but you cannot well debar any officer of his claim to promotion; appointments to the Councils are made by the Court of Directors by selection from the competent seniors, and seniority is therefore one great element in their selection.

943. In point of fact, does a member of the civil service consider himself hardly used if he is passed over, and a junior is placed in office above him?—He has no right to complain if another of known ability is preferred.

944. Are you aware that under the Act of 33 Geo. 3, the promotions were with reference to seniority?—Yes; it was specially provided in that Act, that every officer should be appointed according to seniority.

945. How does that stand now under the Act 3 & 4 of Will. 4?—Practically, I do not think any officer is considered to have such a right.

946. You know by law they have the right?—They have no right to any particular office.

947. They have a right to rise by seniority?—That has been considered to operate in this way. Let us suppose that there is a Board consisting of three or four members, they must take their rank in the Board according to their seniority, and if a vacancy were to occur in the first membership of that Board, you could not put over the second person, and appoint to be first member, one who was his junior; but there was power given afterwards by the Legislature to waive seniority, in order to allow a senior servant to come in under a junior, the senior waiving his rank.

948. How are those appointments in India made; are they made by the Governor-general or by the Governor-general in Council?—Every appointment is made by a minute of the Governor-general in Council. If the members of Council signify their assent, it is voted that "A. B. be the party appointed."

949. Supposing the members of Council differ from the Governor-general upon the appointment, what takes place?—They may minute their dissent.

950. But the appointment is practically in the hands of the Governor-general?—If a majority of the Council objected to the appointment, the appointment would not be made.

951. Can the Governor-general take upon himself to make the appointment?—Certainly; under the powers that he has as Governor-general, if he considers it essential politically to make the appointment, he can make it.

952. Have you ever known an instance occur of a difference of opinion between the Governor-general and his Council, with reference to appointments?—I have known appointments minuted against; but the Governor-general would never propose an appointment in the Council unless he knew that he could carry it.

953. When you say that the members of Council have the power of minuting, do you apply that merely to appointments, or to other matters?—There is nothing in the law which distinguishes appointments from any other acts of the Government. If an appointment is to be made by the Governor-general in Council, then every member of the Council has the same right of voting upon it as he would have upon any other question.

954. In that case is there any difference in the mode of appointment, as it is given out to the public?—No.

955. Sir *R. H. Inglis.*] Is the Committee to understand that, when a majority of the Council enter a minute against a particular appointment proposed by the Governor-general, such appointment, nevertheless, will take place?—No; it would be put to the vote, and if negatived, it would be with the Governor-general to determine whether to withdraw his nominee, or to put it on record. If it were put on record it would remain as a negatived appointment, and would not take place unless the Governor-general saw reason to take the act upon himself under his special powers.

956. Has the Governor-general in Council the power of appointing the Deputy-governor at Agra?—I think the Act which authorized the suspension of the division of the Presidencies of Bengal and Agra gave the appointment of the Lieutenant-governor to the Governor-general of India in Council.

957. Does the statement that the appointment is given to the Governor-general in Council, imply that the majority of the Council may object to the appointment proposed by the Governor-general?—Entirely so; but upon a question of that kind the Governor-general would feel himself warranted, and probably would take upon himself to make the appointment under the special power

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which he has in matters which he deems of great concern to the interest of the country.

958. To revert to the old system before the present Act, was it, or was it not the fact, that all covenanted servants of the East India Company had a fee-simple, to use the phrase already used, or at least something like a vested interest in the service, and whether with or without office, they had a certain allowance?—They have so now; when not in office they draw what is called out-of-employment allowance, which has been regulated by the Court of Directors. I think it is about 380 rupees a month for the senior merchants, and less for the lower grades.

959. Does the distinction implied in your answer to the last question still exist as regards the senior merchants?—No, they are not called senior merchants; they have been divided into different grades, but the out-of-employ allowance was regulated upon the old grades, and I have not heard that it is altered.

960. You wish the Committee to understand that, *cæteris paribus*, seniority gives to A. B., as compared with C. D., a preferable claim to appointment? There is no doubt that A. B. is the person first to be considered; but, with the permission of the Committee, I will explain what generally takes place. When an appointment is vacant, it is the business of the secretary to lay before the Governor-general a statement of all those who can be considered to have a claim to it, with his own opinion as to the relative fitness, and also his opinion upon the question whether this office requires peculiar fitness. The Governor-general having a statement of that kind before him, makes his selection. He is not bound to take seniority; and if it is an important office, he will of course generally choose the most competent.

961. Much the larger proportion of public servants in employment in India are necessarily those who have passed through all the preliminary examinations both in England and India?—Yes.

962. Under such circumstances the Governor-general, or the Governors of the subordinate Presidencies, must have under them men fully competent for the duties of their stations?—Yes; if any men are not competent for the ordinary duties of the service, they are kept out of employment; and there are some that you will see, on looking at the list, have obtained no employment.

963. But that proportion, looking to the East India service, is very inconsiderable as compared with those who have employment?—Very inconsiderable.

964. So that the system of the civil service of India, that service being filled by men competent to discharge all its various duties, has in your judgment worked satisfactorily?—Undoubtedly. I have no reason to believe that by any other system a more efficient body of public servants could be provided.

965. It would, I presume, be easy for the officers of the East India House to furnish to the Committee, not the names, but the proportion of those in the civil service of the three Presidencies who are not entrusted with specific appointments?—It could be furnished at any time. There is such a variety of offices in India, that even less competent men can find employment of some kind.

966. Viscount *Jocelyn*.] Practically, the fact is, as I gather from your examination, that the appointments in India are with the Governors of the different Presidencies, the members of Council having the power of dissent?—Yes. The law provides that the Governor-general's nominee shall first be put to the vote, and no member of Council could propose a person for the office till the Governor-general's man had been voted upon. If the man that the Governor-general proposed were not deemed a fitting man, even where the Council dissented, another man would not be proposed by the members of Council, but it would be left to the Governor-general to propose another.

967. What is the necessity in your mind of promulgating the order of the Governor-general or the Governor in Council; would it not be as well to make the appointment direct from the Governor?—The appointment must be made by the Government; if the government is vested in the Governor-general in Council, the appointment must be made by that authority; the appointments in Bengal are now made by the Governor-general only; it is only those appointments that are reserved for the Government of India that are gazetted as being made by the Governor-general in Council; if the Governor-general has the exercise of all the power in his own person, the appointment is gazetted as made by himself.

968. In the subordinate Presidencies the appointments are made by the Governor in Council?—Yes; because the authority is exercised by the Governor in Council.

969. Mr.

969. Mr. *Hardinge.*] You have explained the system as regards the appointments; with reference to the parties selected, the practice has hitherto been that the secretary hands up to the Governor-general a list of six or seven names of candidates for a judgeship or a collectorship, and the period of service is put down in this list; has it not been usual for the Governor-general to appoint such candidates entirely from their own merits, and has he allowed the period of their service to attach great weight to their merits as candidates?—I think the period of service has been always one element of choice, but it is the Governor's study to fill the offices with as competent persons as he can obtain; he therefore endeavours to get the most efficient persons.

970. Have there been memorials presented to the Government in consequence of supercessions?—Yes, but they have never received any attention.

971. Sir *E. Colebrooke.*] Do you consider that the members of the civil service generally are fully equal to the important functions they have to discharge?—I think they are as equal as any body of men would be that you could provide in any other way.

972. You mean to say that, taking them as a class, they are efficient, but you would not venture to say that there were not inefficient members among them?—Certainly not.

973. *Chairman.*] As the law at present stands, what is the footing of our Straits Settlements and those on the Tenasserim Coast, with the Government of Bengal?—Before the Act of 1833 there was a separate Presidency for the Straits Settlements; that was abolished by order of the Court of Directors, and Penang, and Singapore, and Malacca were annexed to the Presidency of Bengal; but they had a separate service, and a separate supreme court, and the Court of Directors gave to the civil servants of the Penang Presidency, and the Bencoolen Presidency, the option of leaving, or remaining as officers to be employed in those settlements. By the Charter Act of the Supreme Court of Penang it is provided, that the Governor and members of Council of that Presidency shall be judges of that court. The abolition of the Presidency left the court without the means of acting, and thereupon the Court of Directors ordered the head officer of those settlements, who had been called Resident, to be called Governor, and his assistants to be called Resident Councillors, in order that they might act as judges of that court; and up to this day the person in charge of those settlements is called the Governor of Penang, Singapore, and Malacca; but it is in fact part of the Bengal Presidency. Very recently, I think, Lord Dalhousie removed that Presidency from Bengal, and placed it directly under the Government of India, as if it were a Lieutenant-government; but I do not know that there is any law authorising that.

974. You think there ought to be a provision to meet that case in any future Act?—I think it would be exceedingly desirable that there should be a provision, leaving power to the Governor-general in Council, that is, the supreme authority in India, to provide a Lieutenant-governor, or a delegate of some kind, to take charge of any particular division of territory that may be deemed necessary, in the same manner as the Lieutenant-governor of the North-western provinces is appointed, because under such a provision the supreme authority would determine and regulate by instructions the power that was to be exercised. It would not be necessary to make any provision of the kind in the Act, because the mere authorising of the delegation would imply the power of regulating the authority to be exercised.

975. Sir *J. Hogg.*] The difference with reference to the constitution of the Court in the Straits settlements is one that might be removed by the Legislative Council?—It has been attempted to be removed, but up to this day the difficulty remains.

976. It is still a matter under the consideration of the Legislative Council?—That Court might be abolished, but it would be an advantage to have a special authority given to the Government of India, which, with the consent of the authorities in this country, might regulate such matters as I have referred to.

Veneris, 14° *die Maii*, 1852.

MEMBERS PRESENT:

Mr. Baring.	Sir James Hogg.
Mr. Herries.	Mr. Vernon Smith.
Mr. Baillie.	Mr. Hume.
Sir E. Colebrooke.	Mr. Hardinge.
Mr. Labouchere.	Sir R. H. Inglis.
Viscount Mahon.	Viscount Jocelyn.
Mr. Gladstone.	Sir Charles Wood.
Mr. Alderman Thompson.	Mr. Plowden.
Mr. Hildyard.	Mr. Cobden.

THOMAS BARING, Esq., IN THE CHAIR.

William Wilberforce Bird, Esq., called in; and Examined.

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977. *Chairman.*] FOR what period were you in India?—Upwards of 40 years.

978. What situations have you filled in India?—I arrived in India in 1803, and after passing through the College I was appointed to Benares, where I remained about a dozen years in the Judicial Department; in 1821 I was appointed to the special commission at Cawnpore and Allahabad, for revising sales of land, brought about by undue influence; after that I came to the Presidency, and was appointed to the Resumption Commission. I then became a member of the Board of Revenue, and was subsequently appointed to the Board of Customs, Salt and Opium; I then succeeded to Council; and while in Council, I was four or five times Deputy Governor of Bengal. I became also President of the Council; and I held the office of Governor-general, from the time of Lord Ellenborough's recall till the arrival of Lord Hardinge.

979. For how long a time were you a member of Council?—I was a member of Council between six and seven years altogether; I was first appointed a provisional member on the death of Mr. Shakespeare.

980. Will you state to the Committee how the Council is composed?—The Council is composed of an extraordinary member, being the Commander-in-Chief, three ordinary members, and a fourth member who is called the Law Member, and who is appointed by the Court of Directors, subject to the approbation of the Crown; the rest of the members are appointed, I believe, by the Court of Directors.

981. All the members of Council are appointed by the Court, are they not?—Yes; according to the Act, I think, they are all appointed by the Court, but the appointment of the law member is subject to the approbation of the Crown.

982. Is there any qualification necessary for a member of Council?—Yes, a residence in India for a certain number of years.

983. For how many years?—I think ten years, but no man becomes a Councillor who has not been resident for a much longer period.

984. You mean resident as one of the covenanted servants of the Company?—Yes.

985. What does that covenanted service include?—It includes the civil service, and, I believe, part of the military service. I fancy there are some military appointments not covenanted.

986. Are not the chaplains covenanted servants?—I believe they are.

987. Will you state what the duties of the Council are?—The duties of the Council are to assist the Governor-general in the transaction of all business that comes before him, and to record their sentiments in case of any difference of opinion. The papers in every case are, in the first instance, circulated for consideration, going before the Governor-general first, after which the Council meet for discussion on days appointed by the Governor-general for the purpose.

988. Will you state how they record their opinions?—They first meet, as before stated,

stated, to discuss the subject, and if there is any material difference, they record their opinions in separate minutes.

989. Every despatch from the Home Government comes before the Council?—Yes.

990. And the answer must be signed by all the Members of Council?—Yes.

991. What is the salary of the members of Council, of the Governor-general?—The salary of the Governor-general is 240,000 rupees a year; that of a member of Council is 96,000 rupees a year; they were sicca rupees formerly, but during the time of Sir Charles Metcalfe, on the conversion of the currency from sicca rupees into Company's rupees, they relinquished the difference between the two.

992. How is the President of the Council selected?—By the Governor-general; the Governor-general selects both the President of the Council and also the Governor of Bengal, from among the members of Council.

993. Can the Governor-general select any member of the Council, or does it go by seniority?—He may select any member of the Council, both to be President during his absence and to be Deputy Governor of Bengal; for instance, I was once appointed Deputy Governor of Bengal when the Commander-in-Chief was appointed President of the Council, and on other occasions I was appointed to both situations.

994. So that the two situations are distinct, and it does not necessarily follow that the President of the Council should be appointed Governor of Bengal?—No, it is not necessary that they should be distinct, and it is not necessary that they should be united. The Governor-general has the power of appointing any one of the Council for one office or the other; he generally selects the senior member of the Council to be President of the Council, and in most cases it has also happened that he has nominated that member to be the Governor of Bengal.

995. Will you state to the Committee your opinion of the expediency or otherwise of the present arrangement, of placing the Government of Bengal under the Governor-general, and not having a separate Governor for Bengal?—I think the arrangement required by the Act, that the Governor of Bengal should be selected from the members of the Council, a very inexpedient one indeed, and I think it also inexpedient that the Government of Bengal should be confided solely to the Governor-general without a Council. The Governor-General is Governor-general in Council for India and Governor of Bengal, the Council have nothing whatever to do with the administration of the Government of Bengal, consequently the whole business of Bengal, which is alone sufficient to occupy any man, is vested in the Governor-general, in addition to the other duties which as Governor-general he is obliged to perform; the result is, that the Government of Bengal is either entrusted to an irresponsible secretary, or that the duties of that office are not attended to in the manner in which they ought to be for the good government of the country.

996. Will you state what suggestions for a change you would recommend?—I would recommend that the same arrangement which exists in Agra should be introduced into Bengal; there is there a Lieutenant-governor whose sole duty it is to superintend the internal administration of the country; it is just as much required in Bengal as it is in Agra, and perhaps more so, for the territory is much larger and the duties are heavier, and quite sufficient to occupy the undivided attention of any public officer, however experienced he may be.

997. Would you recommend that, as in Agra, the Governor of Bengal should be without a council?—If the Governor of Bengal is a man selected from the service, and has all the experience which it is necessary for such a Governor to possess, I should say that Council was no more necessary in Bengal than it is in Agra. But if a man is sent out from England who knows nothing at all about the administration of Government in India, he must have a council, because he must be dependent solely upon the advice of members of the service for the due performance of his duties in the capacity of Governor of Bengal. I, who had 40 years' experience, and was both Governor of Bengal and Governor of India, and had all the advantage of being familiar with almost every case that came before me, found that I was quite incapable of doing the whole; and I suffered more in point of health during the last five months I was in India, owing to having so much more to do than I could properly perform, than I had suffered during the whole 40 years I was in the service besides.

998. In case such an arrangement were carried out, where would you vest the patronage of the service of Bengal?—When I was Governor of Bengal, during

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Lord Ellenborough's time, Lord Ellenborough gave me the whole of the patronage, except the higher appointments to the Sudder Courts and Boards, which require the sanction of the Government of India, and he never, on any occasion, interfered with my appointment of any individual. I always reported to him privately what I did, and I found the exercise of that patronage useful, inasmuch as I knew better than anybody else who were the fittest persons to be appointed; and if the Governor of Bengal is a separate person from the Governor-general, I think he ought to have, virtually, the dispensation of that patronage; but it should be always with the concurrence of the Governor-general, who ought always privately to be made acquainted with what is going on. As to the exercise of the patronage, there is but little satisfaction in it; every man who is appointed thinks himself entitled to the promotion, and those who are candidates and do not get the appointment, think themselves ill used; and, therefore, as far as private considerations are concerned, he would be better without it than with it. I should have been glad not to have had the patronage; but I think the Governor of the country cannot exercise the duties of his station well, if he has not the power of selecting those who are most fit for employment in the situations under him.

999. Do I rightly understand you to say, that you think that if the Governor-general of India were deprived of the patronage, he would not lose influence or authority in India?—I do not think he would lose anything worth retaining; the exercise of the patronage, under the circumstances in which it is exercised in India, confers no personal advantage; if he discharges his duty as an upright man, he will never lose anything for want of patronage, which is limited to the selection of one out of the few who have nearly equal claims to the appointment in view. The Governor-general has nothing to do with the patronage of the Governors of Madras or Bombay; he has little to do with the patronage of the North-western Provinces, which is a parallel case; he has only, therefore, the small civil patronage of Bengal proper, and almost all of those among whom he is to distribute it, have claims from length of service, or from the duties which they have performed, and he must bestow it upon those who possess such claims, or he is thought to act very unjustly; and, therefore, as far as the exercise of the patronage goes, I for one, if I were in his position, would not be annoyed at not having to exercise it.

1000. You said that you would recommend that appointments made by the Governor of Bengal should be subject to the approval of the Governor-general in Council?—I would not say subject to approval, but I think that the man exercising the office of Governor of Bengal would never make appointments without privately reporting them to the Governor-general, and ascertaining whether he had any objection or not to the appointments. I always did so; and Lord Ellenborough on more than occasions than one, not being quite satisfied with what I stated, called for further explanation, which I afforded him.

1001. Would you recommend that the power of approval should rest with the Governor-general in Council?—The Governor-general in Council at present appoints to all the high offices; that is to say, he appoints to the Sudder and the Sudder Board; I do not think I would take away that power from the Governor-general in Council, but I would leave all the other appointments to the discretion of the Governor of Bengal, in the same way as they are left to the discretion of the Lieutenant-governor of Agra; I do not see why the Governor of Bengal should have less influence or less patronage than is considered necessary for the Lieutenant-governor of Agra. There is always a friendly correspondence going on with the Governor-general, and it is easy to ascertain whether there are objections to the appointment of such and such a person or not; I did not find that it led to any inconvenience in my case. Lord Ellenborough, when he appointed me Governor of Bengal, simply gave me one verbal instruction, which was, to appoint the fittest man to every vacancy, and I always endeavoured to do so.

1002. Should you recommend that the two Presidencies of Madras and Bombay should be without Councils?—What I would recommend is this: I think the Council of India ought to have a member from Madras, and a member from Bombay, and I think the two Presidencies are both dissatisfied with not being properly represented in the Council of India, and that it would be an advisable measure to have a member from each of those Presidencies, because there are many local considerations, especially in legislation, which we are quite at a loss to know how to dispose of. When the Law Commission was existing in Calcutta, it had a member from each of those Presidencies, and we used privately to consult

consult them on any difficulties with regard to local circumstances respecting which we wanted explanation; but now that the Law Commission is no longer in existence, I do not think that the Government of India can go on well without local members from Madras and Bombay. I would therefore recommend that there should be an additional member from each of those Presidencies; and in order to provide in some measure for the expense, one of the members of the Madras Council, and one of the members of the Bombay Council might be discontinued.

1003. Of how many members are the Madras Council and the Bombay Council now composed?—The Government consists of the Governor, the commander of the forces, and two civil members of Council; one of those members might be safely diminished; three members, I think, would be quite sufficient to discharge all the duties of each of the subordinate Presidencies.

1004. Would you then recommend that those members of Council from Madras and Bombay should be permanently resident at the seat of the Supreme Government?—Yes; they should reside with the Supreme Council wherever that is. I think three members are quite sufficient for either the Government of Bombay or Madras.

1005. Will you state to the Committee in what way, if they were permanently resident with the Governor-general, they would be the representatives of the Councils of the two Presidencies?—They would not be the representatives of the Councils of the two Presidencies, but they would be the representatives of the Presidencies. There have always been two members of Council for Bengal; but it was the larger Presidency, and it had also a general jurisdiction over the whole of India; but if there were a representative of each Presidency in the Supreme Council, it would hardly be necessary that the subordinate Presidencies should have so strong a Government as they have hitherto had.

1006. What would be the case if the Commander-in-Chief of one of those Presidencies was in the field?—It is not likely that the Commander-in-Chief would be in the field; the territories subordinate to the Governments of Bombay and Madras are all in our own hands; there is no foreign enemy to come in contact with, and therefore it is very seldom that the Commander-in-Chief is not at the seat of Government.

1007. Have there been instances of the Commander-in-Chief being absent on military duties at either of the minor Presidencies?—Yes; there have been instances in former times, but I am speaking of the actual state of India at the present time.

1008. Viscount *Jocelyn*.] Was not Lord Keane absent on military duty?—He was sent to Afghanistan, but it is not in the general course of events that the Commander-in-Chief should new be long from the seat of Government.

1009. *Chairman*.] The present regulation, as I understand it, requires that before any expenditure is incurred in the minor Presidencies, a reference should be made to the Council of India?—Yes; there is a restriction placed upon the subordinate Governments, they cannot expend anything without the authority of the Government of India. It has been thought that this entails a good deal of trouble, and loss of time, and that a limit might be fixed, to which they might be allowed to go without such sanction; but I think the whole expenditure of India must be subject to the general supervision and control of the Government of India. If it were not so, the subordinate Presidencies might be as extravagant as they were in former times, in laying out large sums of money which it might not be convenient that they should do.

1010. Would you suggest any change in that system?—I think there might be a limit; at present, at neither of the subordinate Presidencies can the slightest expense be incurred, not even to the amount of 5*s*., without the special sanction of the Government of India. Perhaps this is too strict, there might be a certain limit, within which they may be authorised to expend money, without the sanction of the Governor-general in Council; it increases the number of references, and such small expenditure is generally sanctioned; the Government of India could hardly refuse a disbursement to that extent.

1011. Then the Committee is to understand that you would suggest, that expenditure beyond certain limits authorized should be reported to the Governor-general in Council?—Yes. The subordinate Governments might expend money to a certain extent without specially applying it for permission the Governor-general in Council, merely sending a monthly statement of such expenses.

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1012. They would have to report it?—I think everything should be reported.

1013. Does your experience lead you to think that the delay which takes place in the answer to despatches from India, by the mode of correspondence adopted in this country, has been productive of inconvenience to the Indian Government?—No, I do not think it has. In former times there was, of course, a great deal of delay before we had steam communication, but at present it is quite as rapid as is necessary. If we require an immediate answer, it is stated, and we get the answer as soon as it can be given; but I do not think there is any inconvenience at all from delay: the business is very well kept up, and we get an answer in all cases where it is necessary, within by no means an unreasonable length of time.

1014. Do you consider that the present system of sending the whole of the correspondence, and all the documents upon any subject of which a despatch treats, from India, is necessary or desirable to be continued?—I think it is. There ought to be a full record of everything that takes place. The greatest security for the good government of India is in having everything which is done recorded, so that the authorities at home may be furnished with copies of those records. There may be some alterations which would diminish, perhaps, the necessity of superfluous papers, but substantially there ought to be a record of everything which takes place, and a copy of that record ought to be sent home.

1015. Is the Committee to understand that you think that keeping a record of everything is an important check against abuses in India?—Yes, I think so. Having that record, if the record is properly kept, it would be easy at any time to ascertain what actually took place, and the reason for which it took place, and it is an important check on all improper proceedings.

1016. Mr. *Hume*.] In the case of members of Council differing from the Governor, such dissent being recorded at the time of the transaction, and therefore become known to the Home authorities, you consider to be very important?—Yes, and not only in regard to the Council, but in regard to all offices. I think there ought to be a complete record of everything that takes place; and I think it is the great security against abuses in India.

1017. *Chairman*.] What is your opinion of the efficiency of the civil service for the duties that it has to perform?—I think it is highly efficient. I have never heard of any service which is to be compared with it in point of efficiency. An uncovenanted service is necessary for all details, but the supervision and superintendence can be perfectly exercised by the civil service, and is exercised in a most efficient manner.

1018. Would you suggest any change in the mode of nominating parties for the civil service in England?—No, I am not aware that it can be improved in any way as long as the present system continues. It is very safely and properly vested in the hands of the Directors, and I am not aware of any mode by which it could be altered to advantage.

1019. Do you consider the civil service to be fully paid, or under paid, or over paid?—I think it is very fairly paid; it was better paid some time ago; but in the India service, the complaint at present is, that the situations which they used to occupy are now, in a great measure, occupied by the uncovenanted service, and therefore promotion is not so rapid as it used to be. The civil service cannot perform all the details which are now required in making settlements, and carrying on other local investigations, which is done by the uncovenanted service. The uncovenanted service is also employed to a great extent in the administration of civil suits, which diminishes in some degree the number of offices formerly held by the covenanted servants.

1020. Is that an inquiry to the Government of India?—No, not at all. I think the uncovenanted service is also most efficient; the whole judicial administration, in the first instance, is in the hands of the uncovenanted service, and most efficiently performed. Great improvements have been made in that service of late years. The parties are selected with more care; none are appointed till after examination, and they are not allowed to be discharged, as they were in former times, merely at the option of the European superior. The case is sent up to the higher authorities. They have also pensions allowed them, after long service, and there are various other provisions which make it worth while for the uncovenanted servants to be honest and upright. Formerly they made the most of their opportunities. I think a great change has taken place in that way, and the uncovenanted service I consider extremely efficient and most valuable, because, if we were to attempt to discharge all the details of the administration by the covenanted

anted service, the expense would be enormous. You now get duties performed for a very small sum, which, if they were to be performed by the covenanted service, would be most expensive, and the Government could not be carried on except at a much greater cost than it is at present.

1021. You have made two suggestions; one that there should be a distinct Governor for Bengal, and the other that there should be a change in the Council of the Governor-general, by there being two additional members appointed for the two Presidencies. Have you any further change to suggest?—If there were any objection to the appointment of a separate Governor of Bengal, I see no reason why the Government of Bengal should be vested solely in the Governor-general. I think the Council should have authority there. The Governor-general has more to do than anybody else in the country; and, as the law exists at present, the Governor-general is not only the Governor-general of India, but he has, as a separate charge, the Government of Bengal, with which the members of Council have nothing whatever to do. Why that Government should be vested in him alone, and not in conjunction with the Council, I do not understand, and it certainly is attended with great inconvenience. The Council, who have less to do than the Governor-general, might just as well have authority in the Government of Bengal as not; and why the Government was committed solely to the Governor-general, I have never been able to comprehend.

1022. Is there always a Deputy-governor of Bengal now, or only during the absence of the Governor-general?—There never had, till Lord Ellenborough's time, been a Deputy-governor of Bengal, when the Governor-general was present; but when Lord Ellenborough arrived he went up the country immediately, and he appointed me Deputy-governor of Bengal; and when he came down he continued my appointment; that has been the only case in which there has been a separate Governor of Bengal, when the Governor-general was present, except when Lord Hardinge arrived, he reappointed me; I was acting at the time as Governor of Bengal, and Lord Hardinge continued my appointment during the remainder of my stay in India.

1023. Have you any other changes to suggest for the consideration of the Committee?—I am not aware of any.

1024. Viscount *Jocelyn*.] You stated the advantage that there would be in a permanent Governor of Bengal. Has not the Governor-general the power of appointing a Deputy-governor of Bengal during his presence?—Yes; he has the power of appointing a Deputy-governor of Bengal, both during his presence, and during his absence.

1025. And that has been done?—Yes, in my case it was done. Lord Hardinge also, as I have stated, appointed me to continue during the rest of my stay in India as Governor of Bengal.

1026. Mr. *Vernon Smith*.] Then the change you recommend is only a change in practice and not in law?—The Governor-general has the power of appointing a Deputy Governor of Bengal, but I would make it compulsory, so that the Government of Bengal should be in separate hands. The Governor-general in Council might, in particular cases, have the power of assuming the Government of Bengal; what I mean to say is, that it ought to be a separate office.

1027. Is the salary of the Governor-general of Bengal, or not, the same, whether he retains the Government of Bengal or not?—Yes; there is no salary annexed to the Government of Bengal.

1028. Mr. *Labouchere*.] Then the Governor-general has no pecuniary inducement not to make the appointment of a Deputy-governor?—Not the slightest; I do not know what the object was of making it exclusive of the Council, for the Governor-general certainly has more to do than the Members of the Council have, and that he should have this additional duty thrown upon him, and the Council be excluded from any participation in it, is quite unintelligible, and it has not operated well. There is another thing I might mention, which is, that the Governor of Bengal, like the Governor of Agra, ought to make periodical visits to the different stations, and see with his own eyes what is going on. That has been attended with great advantage in the Upper Provinces, but the Governor-general, when he is the Governor of Bengal, cannot visit the different stations; he can never see anything but through the eyes of another.

1029. Viscount *Jocelyn*.] With reference to the patronage of the Government of Bengal, do you propose that the Governor-general should keep the patronage in his own hands, or that he should make it over to the Governor of Bengal?—

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There has been generally an arrangement as to that; I can only speak positively of my own case as to what happened between Lord Ellenborough and myself, but I have always understood that there has been some private arrangement by which the Governor-general exercised one portion of the patronage, and the Deputy Governor of Bengal the other. I do not know positively what took place on the occasions of other Deputy-governors of Bengal, but in my case, Lord Ellenborough left it entirely to my discretion, reserving to himself the privilege of calling upon me to explain if he thought I had done wrong, but he never on any occasion interfered with the disposal of the patronage except on public grounds.

1030. You said that you did not think that there would be any inconvenience in the Governor-general not having the patronage of the Government of Bengal, and you stated in support of that argument that there was no inconvenience when the patronage was handed over to you by Lord Ellenborough; but do not you think that there would be a difference between the Governor-general making over the patronage to the Governor of Bengal, and the Governor-general having no patronage at all?—Individually I do not think the exercise of the patronage of any personal advantage either in a public or a private point of view. There are those who entertain a different opinion, but to me it was a great trouble and annoyance. I was anxious to do justice to individuals, and as far as I could, to satisfy expectations that were entertained; but I did not find that I was successful, and I do not think those who have had the patronage have benefited by it.

1031. You have argued that in Agra all the patronage is made over by the Governor-general to the Governor of Agra?—Yes; the Lieutenant-governor of Agra exercises the patronage.

1032. Then is not the Governor-general the source of all patronage both in Bengal and Agra; but he makes over the patronage to the Deputy-governor of Agra?—Yes; no doubt he might retain the whole patronage if he chose, but he has acted judiciously, I think, in making it over to the Lieutenant-governor, because the man who is Governor ought to have the power of appointing officers whom he knows to be best qualified for the situations.

1033. Mr. *Hardinge.*] Is it defined by the Act as to the patronage?—I fancy that it is not defined by the Act; the patronage is vested in the Governor-general entirely, but the Governor-general of course must make some arrangement with the officer discharging the duty of Deputy-governor.

1034. Why do you think the selection of the Governor of Bengal from one of the members of Council inexpedient?—I think it inexpedient, because the members of Council have other duties to perform, and very heavy duties, if they perform them as they ought, and therefore it would be far better not to impose on any one of those members an addition to the duties which would occupy the whole of his time. It is very hard upon a Member of Council who is to keep pace with all the rest of the Council in the discharge of the duties of the Government of India, that he should have the duty of Governor of Bengal to discharge in addition to those duties. He gets nothing by it; it is no advantage whatever to him.

1035. Viscount *Jocelyn.*] The Governor-general, if denuded of that patronage by Act of Parliament, would be unable, by any exercise of his power, to reward merit?—Yes; but then he would have nothing to do with the details of the government of Bengal; he has his patronage as Governor-general; and the patronage he would lose consists of the selection of the officers who have the strongest claims to fill the situations under a Government, the head of which must be best acquainted with their respective qualifications.

1036. Mr. *Labouchere.*] Will you be good enough to describe what the general patronage of the Governor-general is, and how far it extends over the whole of India; supposing the separate Governors of Bengal, Bombay, Madras, and Agra, exercised the patronage in those Presidences, what patronage would the Governor-general have as Governor-general?—The Governor-general would have the patronage of all the political appointments throughout India; he would have the appointments of all the officers at Hyderabad, and he would have the appointment of all the officers at Mysore; and there are other appointments connected with Bombay, which I believe the Governor-general has the power of disposing of. He has also the selection of all the military men who are appointed to civil situations, in what are called the non-regulation provinces, such as Bundelcund, and I believe in the Punjaub, and in various other frontier districts. So that his patronage is very considerable; but after all, the respect which is paid to the

Governor-

Governor-general does not arise from the things that he has to give away, but from his ability and general character as governor, and from the mode in which he discharges his duty. A man may have the greatest amount of patronage, but if he abuses it, it will do him more harm than good, and it will not increase the respect entertained for him.

1037. But is it not the case that for the Governor-general to be the fountain of reward, is a great means of his acquiring influence?—Yes; but on that principle the patronage in Madras and Bombay should be with the Governor-general, but the Governor of Madras has all the patronage of that Presidency, the Governor of Bombay has all the patronage of the Presidency of Bombay, and, as regards Agra, the Governor-general finds it necessary to yield up a great quantity of the patronage to the Lieutenant-governor, and I cannot, therefore, understand why Bengal should be the single exception.

1038. What I understand you to recommend is, that all petty patronage should be taken away from the Governor-general, but that as regards the great political offices the patronage should be left to him?—Yes. I never contemplated taking from him the patronage of political offices. I contemplated taking from him only such patronage as is retained by the Governors of Bombay and Madras.

1039. Mr. *Herries.*] Do you think some inconvenience might arise if the Governor-general had not control over the patronage in Bengal?—Is it not possible that appointments to offices coming immediately under the exercise of the authority of the Governor-general might be made, which would be disagreeable to him, and do not you therefore consider it necessary that he should have some control? —Yes; but the Governor-general in Council would always have a control over the patronage as he would have a control over all the other things that might be done. The Governor of Bengal would be only Deputy-governor.

1040. Then he would have the control over the patronage distributed in Bengal?—Yes, just as under XLV clause of the Act he has in regard to the other subordinate presidencies.

1041. Viscount *Jocelyn.*] You would leave the appointment of the Deputy-governor of Bengal in the hands of the Governor-general?—Yes.

1042. Mr. *V. Smith.*] Do you mean that the appointments made by the Deputy-governor should be submitted to the Governor-general for approbation?—No.

1043. Then what control would he exercise?—Judging from the way in which I acted, when I was Governor of Bengal, and in which I presume other Governors would act, I should say, that in the case of an officer, where the appointment was of consequence, the Governor would privately consult the Governor-general, and state, "These are my intentions; I propose to appoint so and so;" and the Governor-general would state his objection to such an appointment, if he had any objection.

1044. As regards the power and influence which the Governor-general would have, would not they greatly depend upon its being known that he had the right of patronage?—I do not think the Governor-general would lose much by giving up the patronage of Bengal. I think the Deputy-governor would gain a great deal more than the Governor-general would lose.

1045. You think that the position in which the Governor of Bengal stands, requires that he should have the right of patronage, but that the position in which the Governor-general stands does not require that he should have such right?—Exactly, the position of the Governor-general, as being the supreme authority in India, does not require the exercise of the patronage solely in this corner of India, which patronage ought to be with the Governor of Bengal. I think it is not worth the Governor-general's retaining, and that it is not worth while to lose the great advantage of a separate government for Bengal, merely for the sake of bestowing the patronage upon the Governor-general.

1046.—Mr. *Herries.*] But you think that the Governor-general should have the power of preventing appointments that might be obnoxious to his own wishes?—Certainly; all I mean is, that I would not have the consideration of the patronage act as an obstacle to the appointment of a separate government for Bengal.

1047. Mr. *Hardinge.*] You have stated that you thought it would be advisable to have two members on the Supreme Council who should represent the interests of Madras and Bombay; do you mean that those members should be appointed in addition to the present Members of Council?—Yes.

1048. Would not so large a number as the Council would then consist of, be rather

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rather an inconvenience and an impediment to public business?—I do not think it would. I do not think that there would be any inconvenience from the number being increased, and there would be great convenience in having the advantage of local officers, who would explain all sorts of difficulties and anomalies that come up in references from those Presidencies.

1049. But the Court of Directors have now, under a section of the Act, the power of discontinuing the Council at Bombay, have they not?—Yes; it would require no new power to enable the Court to dispense with a member of the Council at Bombay and Madras, but it would require a new provision to appoint additional Members to the Council of India. I merely suggested a diminution of the number of members of the Council at Bombay and Madras on the ground of expense. There would be increased expense in proportion to the salaries in adding two Members to the Council of India; and that might in some measure be met by the diminution of one Member of the Council at the two Presidencies. I think it is hardly necessary to have so many Members of Council at either of those Presidencies as there are now.

1050. Has it not been the case that a member of Council at Madras has been appointed to the Council of Bengal?—No.

1051. Was not Sir William Morrison from Madras?—Yes, but he was never in the Council at Madras. He was a military officer on the Madras establishment, and was appointed to the Council at Bengal.

1052. Do not you think that the existence of a Council at the subordinate Governments of Bombay and Madras forms a strong security for the full and free statement of any case of conflicting opinion?—Yes, but there would still be a Council; there would be one civil member, and the Commander-in-chief, besides the Governor.

1053. You do not propose that Madras and Bombay should be placed on the same footing as Agra?—No, there has always been a Council both at Madras and at Bombay, and I am not quite sure that that being the case it would be right to discontinue the Council; it would be considered a sort of degradation, and the importance of the Madras Presidency and the Bombay Presidency would suffer in consequence of such discontinuance.

1054. Mr. *Herries.*] You said that you considered that the Members of Council had at present not too much to do, and I should judge from your answer that they had not sufficient to do?—I think they have plenty to do if they read all the papers, and carefully consider all that comes before the Council. I do not think it could be said with truth, that they had not sufficient to do: they have sufficient to occupy them from morning to night. Of course business can be shirked in India, as it may be everywhere else; but if they do the duty that they ought to do properly, as Councillors to the Governor-general, they certainly have sufficient to occupy the whole of their attention.

1055. I am referring to your suggestion, that there should be a Council in aid of the Governor of Bengal; and you accompanied that suggestion with the observation, that the Members of the Council were not so overburdened with business, but that they might do that additional service for the State?—What I meant to say was this; not that the Council of Bengal had not enough to do, but that the Governor-general had a great deal more; and that if the Government of Bengal remains in his hands, there is no reason why he should not be assisted by the Council in Bengal matters, in the same way as he is assisted by the Council in all other matters; he, in fact, is the most heavily burdened officer of the whole; and in addition to his other duties he has the duty of the Government of Bengal thrown upon him, which he must perform alone, and without the assistance of the Council, who, comparatively speaking, are not so heavily burdened as he is.

1056. Viscount *Jocelyn.*] You have stated that it would be advisable that a Member of the Council of Madras and a Member of the Council of Bombay, should join the Council of the Governor-general. Do you recollect instances in the course of the last 10 years of the Commander-in-chief at Bombay, and the Commander-in-chief at Madras, who are each of them members of the Council there, being in the field commanding armies, viz., Lord Gough in China, and Lord Keane in Afghanistan?—I remember perfectly that Lord Keane was in Afghanistan; he was selected for that duty. I am not quite sure that Lord Gough was Commander-in-chief when he went to China; he went from Madras, but I thought he was on the staff at the time.

1057. In the event of your plan being carried out, and the Commander-in-chief of

of Madras, or of Bombay, being in the field, you would have a Council consisting of one civil member alone?—Yes.

1058. Do you see any objection to that?—No; the Commander-in-chief very seldom, as far as my experience goes, interferes or records his opinion in civil matters; he has a vote, and he generally votes with the Governor general.

1059. You see no objection to the Governor in Council consisting of the Governor and one member?—No, I think not; it has happened in Bengal that there has been but one Member of Council, but no inconvenience has been experienced; if they are men competent to do their duty, I see no objection to it; it could only occasionally happen. It is very seldom that the Commander of the Forces at the Presidency is ordered away, and that could easily be provided for by making the person who acted locally as Commander of the Forces, a Member of Council.

1060. Sir *R. H. Inglis.*] One of the suggestions which you have submitted to the Committee, has been the expediency of surrounding the Governor-general with Members of Council taken from the Presidencies of Madras and Bombay, and the ground upon which you founded that suggestion was, that it would enable the Supreme Council to deal with questions coming from those Presidencies. But you have also stated that you think it desirable that the Governor of Bengal should have the power, and you have known the benefit of his exercising that power, of personally visiting the different stations within his government. Is it, or is not your opinion, that such power would be exercised advantageously by the Governor of Madras, and by the Governor of Bombay respectively?—Undoubtedly; it has often been done; it was done by Sir Thomas Munroe, and it has been done by other Governors. There are occasions when great advantage would arise from the visit of the Supreme authority; but at present, in Bengal, it is impossible; the Governor of Bengal cannot visit any station, however great the emergency may be.

1061. You have stated that the Commander-in-chief, according to your experience, does not often take any part in civil affairs which are submitted to the Council; upon that assumption the civil affairs are intrusted to the Governor and the two civil servants of Madras and Bombay. In the event of the adoption of your suggestion, the civil affairs of the Presidency of Madras, and the Presidency of Bombay respectively, would be conducted by two individuals; would it, in such a case, be possible for the Governor to exercise that inspection which you have stated to be, in your opinion, desirable in the case of Bengal; or, in the event of the illness of the civil servant, the member of Council so left, how could the affairs of the Government be carried on? What I meant to say was, that the Governor of Madras, and the Governor of Bombay, divested of one of their Council, could do just as well as the Governor of Agra, who has no Council, and that if, in the case of the Governor of Agra, he can go about and visit, the Governor of Madras and the Governor of Bombay could do the same if it were necessary, without any inconvenience whatever to the conduct of affairs; the members of Government if separate can communicate by letter, and they can act in co-operation in the same way as if they were on the spot. Of course the Governor of Madras, or the Governor of Bombay, would not take the opportunity of going when there was anything to be done which required his presence at the Presidency; and in point of fact, I believe that the Governor of Bombay is very often absent from the Presidency, and the business is carried on as if he were present. The Governor of Bombay is, in one part of the year, in one place, and another part of the year in another; and the same has also happened at Madras. Indeed, so much so, that orders have been issued to desire that the Governor would remain as much as possible at head-quarters. But surely the Bombay or Madras Government would, if the Governors were to visit the different stations, be carried on, having only one Councillor, with as much facility as the Government of Agra, where there are none.

1062. You have stated that the length of service required of a person before he can be appointed a Member of the Supreme Council, or of the Council of either of the Presidencies, is 10 years; but that in point of fact no man is made a Member of Council till after a much longer service. Is it or is it not the fact, that no man has been made a Councillor under 25 years' service?—There may have been exceptions, but they are very rare.

1063. In general, do you wish the Committee to understand that men of experience are selected to fill the office of Members of Council, rather than those who

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have served the legal number of years?—I believe that, generally speaking, the gentlemen who are selected for the Council are selected for their merits and services, and certainly not merely from their standing in the service.

1064. Will you explain to the Committee who are the uncovenanted servants by whom the judicial administration has been conducted?—The uncovenanted servants are servants appointed by the local government, who do not receive covenants from the Court of Directors. The service consists of all classes of persons, Europeans born in India and natives of any persuasion; men, in short, who are selected by the local Government on account of their qualifications. The Home Government exercises no authority whatever in that respect. Before establishing a class of uncovenanted servants, permission is generally obtained from home, but no interference whatever is exercised with regard to the individual appointments.

1065. You stated the income of a Member of Council; what is the income or salary of an officer or servant next in rank to a Member of Council?—It has been laid down by a rule of the Court, that nobody under a Councillor is to receive more than 50,000 rupees a year.

1066. Fifty thousand rupees being 5,000*l.*?—Yes, 5,000*l.*

1067. Sir *E. Colebrooke.*] Do you think it necessary to retain the present legislative control over the subordinate Presidencies?—Yes, I think it would be wrong to have many places where legislative Acts could be passed; there is no inconvenience whatever in having that legislative control, and the highest authority no doubt is, that by which it ought to be exercised.

1068. You have stated, that you consider that on many occasions the Government of Calcutta has felt itself incompetent to decide upon matters connected with the subordinate Presidencies. Do you think the presence of a single Member from Madras, or from Bombay would qualify them to decide on questions connected with those Presidencies to the same degree as the local Government would be able to do?—I cannot say to the same degree, but I think it would greatly facilitate the operations of the Legislative Council of India, if one Member from each of the Presidencies were stationed in Calcutta; there would be great inconvenience in having many places where laws could be passed; they would very likely be contradictory, and it would be attended with other inconveniences.

1069. Did not that inconvenience, if such it be, exist before the last Charter Act?—Yes.

1070. Was the inconvenience severely felt?—Before the last Charter Act, the different Presidencies passed laws for themselves; but inconvenience was found to result from it, and I suppose, in consequence of that inconvenience, it was determined that there should be only one Legislative Council for India.

1071. Would there not be danger of the single Member that you propose to add from the subordinate Presidencies having the ear of the Governor-general, and of the Council in Calcutta, and his opinion outweighing the opinions of all the local authorities in Madras or Bombay?—I do not think there is any reason to believe that the opinion of the Member from Bombay or Madras would be in opposition to the opinion of the rest of the authorities at Bombay or Madras; or that they would exercise any undue influence over the Governor-general or the Council of Calcutta, and I think it would be very gratifying to the subordinate Presidencies, if they had each a representative in the Supreme Council, in order to explain any difficulties which might arise in cases coming from those Presidencies.

1072. Do you recommend the continuance of the legal Member of Council appointed from this country?—Yes, I think the legal Member appointed from this country has been productive of great convenience. I may mention that when Mr. Amos, the Legislative Councillor, arrived in India, he found the Supreme Court deciding under laws which had been abolished in England. There had been no attention paid to the alterations in the law of England which had recently been made, and one of his duties was to assimilate the law in Calcutta with the law of England. It is also a great convenience to the Supreme Council to have a person to draw up what they enact who is acquainted with legal terms. I believe the great fault of what we call the regulations, is that they are loose, and not drawn up as they ought to be, which no doubt is a great inconvenience.

1073. The same functions could not, in your opinion, be performed by the Chief Justice of the Supreme Court, supposing his other official avocations permitted

mitted him to sit on the Council?—I think that the other avocations of the Chief Justice are too numerous to permit him to attend Council in the way that the legislative Member does; besides I think there would be an inconvenience in having a high officer, such as the Chief Justice of the Supreme Court, in personal subordination to the Council. I conceive that the principal business of the law Member of the Council is to draw up Acts which the Governor-general in Council consider necessary and desirable, and although he can vote at meetings of the Council for making laws and regulations, yet he can seldom be competent to judge of the necessity of the Acts which he draws up, and is therefore, in point of fact, merely an executive member of the Government.

1074. Would any advantage, or the contrary, in your opinion, arise from the appointment of the heads of the Sudder or the Sudder Board of Revenue to sit in the Council on legislative questions?—Formerly the Members of Council were appointed to preside over the Court of Sudder Dewanny Adawlut, and the Board of Revenue, but in consequence of the inconvenience which resulted it was discontinued. I think it is much better not to give different duties to the same officers, but to give officers particular duties, and to take care that those duties are performed properly.

1075. At the period to which you allude, there were no other legal officers but those connected with the Council?—No.

1076. You have borne testimony to the efficient state of the civil service in India; do you consider that every branch of that service is equally efficient?—I do not know that every branch is equally efficient, but I think that the different departments of the service generally are as efficient as they can well be.

1077. Do you think the judicial officers are, generally speaking, fully equal to the decision of the complicated legal questions that are brought before them?—They are not trained lawyers, and there are many points of great difficulty to which probably they are not competent; but, generally speaking, I consider that they have discharged their duties very efficiently.

1078. Do you think that any means could be adopted by which a more efficient training in legal matters could be given to those officers?—It is a question of very great difficulty how that could be done unless the service was much increased; it is remarkable that many of the revenue officers have been taken from the judicial line, and unless the different lines are separated, the service of those whom you educate for a particular department cannot be secured in that department; and therefore I think there are great difficulties in any course of training, with the service as it is at present constituted.

1079. Do you think that the uncovenanted servants, generally, are sufficiently paid at present?—Some of them are sufficiently paid and some are not. I believe the servants employed in the decision of civil suits are sufficiently paid; but I think those who are employed under the magistrates are not. The result has been, that a number of men who entered that department at the time it originated have, in consequence of the reduction of their salaries, resigned, and consequently the Government have lost the services of men whom it would have been very desirable to retain.

1080. Are those officers magistrates and daroghas, or clerks in the offices of magistrates?—No, those of whom I speak are a superior class of officers to the daroghas; they are persons called deputy magistrates; the system originated with myself in 1843, under an Act that was passed for the purpose, thinking that they would over the daroghas of police be a very efficient instrument of administration, and I believe they have proved so; but the Court of Directors, I understand, have since ordered the number to be increased, and at the same time their salaries diminished, which has operated to prevent many respectable persons from rendering their services.

1081. Did the system you introduced secure an efficient body of men?—As far as it went, it did.

1082. Do you think the daroghas are sufficiently paid at present?—There has been an improvement in the pay of the daroghas of late years. I can hardly say how it is now, because it is eight years since I left the country; but there was a disposition to improve their situation, and to grant higher allowances to men who had distinguished themselves. I do not think that we shall ever get an efficient body of men, of that description, till their education is improved, and they become a different class from what they are at present.

1083. Do you think that the scale of salaries which they receive is sufficiently

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high, as compared with the ordinary remuneration of persons of that class in the country?—I have always been an advocate for increasing their pay, but it would be attended with great expense, and many of the officers not being of a very respectable class, doubts have been entertained whether there would be much advantage resulting from it.

1084. You see no objection, except financial ones, to carrying out your view of increasing their salaries?—No, none; but I have always been met by the difficulty, which is a very serious one, of the enormous expense with which it would be attended.

1085. I put my question not merely with reference to the daroghas, but with reference generally to the uncovenanted service in the Magisterial and Revenue Departments?—I think the deputy magistrates ought to have the salaries which I first recommended, but then I only suggested it as an experiment; the Court adopted the recommendation and desired that the system might be extended, but they reduced the salaries which I had fixed; I did not myself appoint above a dozen; some were native and some were European; some of those have resigned, in consequence of not being paid sufficiently, and others have turned out very excellent officers; the system might be very much improved, and an efficient bod of officers raised from the uncovenanted servants, if they were better paid, but respectable men are not to be procured unless their pay is in proportion.

1086. Have all the public servants retiring pensions?—No, not all the uncovenanted servants.

1087. To what class are pensions confined?—There are certain rules laid down as regards the pensions of all classes of officers.

1088. Sir *J. Hogg.*] As the law now stands, may not the members of the Supreme Council be selected from the services of any of the three Presidencies?—I believe they may.

1089. The Bengal service, I believe, is nearly as large, if not larger, than the other two services put together?—I believe it is.

1090. It therefore affords a much greater choice for selection?—Yes, it does.

1091. As there is no Council annexed to the Governor of Bengal, if Bengal civilians were not appointed chiefly to the Council of India, they could not be appointed to a Council at all?—No, they could not.

1092. The services of Bombay and Madras have each the separate Councils of their own Presidencies to look to?—They have.

1093. Do you think the suggestions I have offered account for the apparent preference given to the members of the Bengal service in the selection of members for the Supreme Council of India?—I think they do.

1094. The Lieutenant-governor of Agra has no separate army under his command or control?—None.

1095. There is no Presidency town with an European population annexed to the Agra Presidency?—None.

1096. There is no Queen's Supreme Court annexed to the Presidency of Agra?—No.

1097. Do you think that those are important elements, which distinguish that Government from the Governments of Madras and Bombay?—Yes.

1098. At Madras and at Bombay there are separate armies, and there are Presidency towns with numerous European inhabitants, and also there are Supreme Courts established by the Queen?—There are.

1099. Do not you think, in considering the expediency of having Councils at the Presidencies of Bombay and Madras, as contradistinguished from Agra and the North-western Provinces, those form important considerations?—Certainly.

1100. As the law now stands, does it not rest with the Court of Directors, under the control of the Commissioners for the Affairs of India, to appoint Members of Council at Bombay and Madras, or to abstain from appointing them, as they may think the exigencies of the public service require?—Yes.

1101. I believe the present number of two civilians is fixed by the Court of Directors, under the authority of the Act of Parliament, by specific instructions?—I believe it is.

1102. You adverted to the possibility of the Government of Madras and Bombay going on with one Member of Council, intimating at the same time that he, with the Commander-in-chief, would form a Council of two. Are you aware that the Commander-in-chief *ex officio* has no seat in the Council, and only occupies

occupies a seat there by appointment of the Court of Directors?—Yes, I am aware of that.

1103. Do you think that a single Councillor with local experience would have that degree of control and influence which you think salutary and expedient over a person appointed by authority from home as Governor of Bombay or Madras, but who had not local knowledge?—It must depend upon the knowledge and intelligence of the Councillor, of course; but I should think, if he was a competent person, and discharging his duties as he ought to do, he would have due influence.

1104. The Governor, of course, would have, still more than he has now, the entire control if there were only one Councillor?—It would be much the same as it is at present, because the Council has only the power of remonstrating, and advising; and one man, if he was a competent person, would be as good as two.

1105. Do not you think it would very much resolve itself into the case of a Governor without a Council, and dependent upon the Secretary?—I do not suggest that the whole Council should be taken away, because there has always been a Council; I only recommend, as an economical arrangement, that one member should be discontinued.

1106. Apart from that consideration, do you, or do you not think, for the advantage of the public service, that there should be a Council of two civil servants at Bombay and Madras?—Yes; I only recommend it as an economical arrangement; but if the remaining Councillor were what he ought to be, I think he would have sufficient influence. I do not think having two members is of great importance. One man of high character, and possessed of due abilities, would be a sufficient check in all cases.

1107. But you would admit that the opinions of two experienced men were more valuable than the opinion of one experienced man?—Yes, if you can always secure two such persons.

1108. With regard to the question of patronage, I believe during the present Charter, or at least since the separate Government of Agra has been established, the usage of all Governors-general has been to leave the subordinate patronage to the Lieutenant-governor of the North-western Provinces?—I believe it has been so, but I do not know positively.

1109. And the same in Bengal?—Yes, I believe so.

1110. You mentioned that the Governor-general in Council reserved to himself the higher appointments; you specified more particularly the political appointments. Does not the Governor-general in Council reserve to himself also the appointments to the Sudder Courts and the Boards, both in the North-western Provinces and in Bengal?—I think I mentioned them as being so reserved.

1111. So that independently of reserving all the political appointments, he in point of fact reserves all the higher appointments?—Yes; and I also mentioned that, in exercising the discretion which I understood to be allowed to me when I was appointed Governor, I always privately stated to the Governor-general what my intentions were; but I never reported formally for the sanction of the Governor-general any appointment whatever.

1112. When you spoke of the Council of India assisting the Governor-general in his capacity of Governor of Bengal, I presume you meant reverting to the constitution of the Government of India as it existed before the recent Charter?—Yes.

1113. That is, that the Governor-general in Council should exercise the powers of the Governor of Fort William, the Bengal Presidency, locally, and should at the same time excercise a superintending power over the rest of India?—Yes.

1114. If you were asked your opinion between the present system and the old system, to which would you give the preference. I mean by the present system the Governor-general being the Governor of Bengal, and by the old system the Governor-general in Council exercising the local government of Bengal, as well as a general control over all India?—I would give the preference to the former system, because it is very awkward for the Governor-general in Council to hear appeals from his own Acts as Governor of Bengal, in which the Council had no concern; if therefore, the Governor-general is to retain the Government of Bengal, I think he should be assisted by his Council.

1115. You said that Mr. Amos, on his arrival in India, found that the Supreme Court were deciding under laws which had been abolished in England?—Yes.

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1116. I suppose you meant that they were deciding under laws which continued to exist in India, although they had been repealed at home?—Yes, that is what I meant.

1117. You did not mean that they were deciding in India under laws which were abolished in India?—Not at all.

1118. You meant that the improvement of the law in India did not keep pace with the improvement of the law in England?—Yes, that is what I meant.

1119. If the amendment of the law in India before the last Charter did not keep pace with the amendment of the law in England, the fault, I believe, rested with the Imperial Parliament, which alone had the power of amending the law?—What I meant to say was this; when Mr. Amos arrived in India, he found that the alterations which had taken place in England since 1834, that is to say, since the last Act was brought into operation, had not met with corresponding alterations by the Council in India.

1120. You mean, of course, from the period of the new Charter?—Yes.

1121. Anterior to the late Charter in 1834, the sole power rested with the Imperial Parliament?—Yes; I refer to what has taken place since that time.

1122. Mr. Alderman *Thompson.*] When did Mr. Amos arrive in India?—I cannot speak positively, but I think it was about March 1838.

1123. Mr. *Baillie.*] Alluding to the laws which you said, before Mr. Amos arrived, the Supreme Court were carrying out, which had been repealed, are the laws in India English laws?—I alluded to the law which was in force at Calcutta, which was the law of England, not the law that is carried into effect beyond the limits of the town of Calcutta.

1124. Sir *J. Hogg.*] Is it your opinion that by the Charter of the 13th Geo. 1, viz., 1753, establishing Mayors' Courts in the three Presidencies, so much of the English Law (as well the Common Law as the then existing Statute Law) as was applicable to the circumstances of the territories under the Government of the East India Company, as between subject and subject, was then introduced therein?—I believe so.

1125. Do you consider that it has been always understood that no English statute which has been passed since that time was operative in India unless India were specially named?—I believe it has been so understood.

1126. Mr. *Baillie.*] When Mr. Amos arrived, was an Act passed in order to make the law of Calcutta conformable to the law of England?—There were Acts passed by the Government of India to that effect.

1127. Did Mr. Macaulay ever recommend that change to be made?—I was not long in the Council with Mr. Macaulay, so that I cannot speak positively, but I do not think he did.

1128. Did the law adviser of the Government, the Advocate-general, ever bring that subject under the notice of the Government?—No; the Advocate-general had not, that I am aware of, ever brought the circumstance to the notice of the Government.

1129. Would it not have been his duty to have done so if any inconvenience had been found to result from it?—The Government, of course, did not know it, and I cannot say whether it was or not the duty of the Advocate-general.

1130. In point of fact, the Legislative Councillor has superseded, to a certain extent, the functions of the Advocate-general?—I do not think it would have been considered the duty of the Advocate-general to have done it unless he had been referred to. It was Mr. Amos who first perceived that the alteration in the laws had not been made, and he brought the subject forward, as was his duty. My object in mentioning it was to show the use of the law member of the Council, and I did not, by any means, intend to cast the smallest reflection upon any party.

1131. There had been a law member of the Council for several years before, and he did not suggest it?—The Act of 1834 had only been recently passed; it probably had never struck anybody; there could not have been much to alter at first, because all laws passed in England up to the date of 1834 were valid in Calcutta.

1132. Mr. *Hildyard.*] Is a copy of the Statutes that are passed every Session transmitted to India to certain judicial officers there; for instance, does the Legislative Council receive a copy of the Statutes passed each Session in the British Parliament, or is it left to chance whether they should become acquainted

quainted with the Statutes passed by the British Parliament or not?—I am not prepared to answer that question.

1133. You do not know whether a copy of the British Statutes is transmitted to any official functionary in India?—I do not know to whom they are transmitted.

1134. Mr. *Baillie.*] Will you inform the Committee whether, in your opinion, it would be desirable to change the seat of Government in India?—I do not think it would be desirable to change the seat of Government. Calcutta appears to me to be the best place for the seat of Government to be fixed at; but I think the power should be continued in the Supreme Government to go to any other part of India where its presence may be required. At present, the law has never prevented the Governor-general from going, but he has gone alone, and the question is, whether it would not be desirable that the Council should accompany him.

1135. Mr. *Herries.*] Have you any reasons to give for that opinion?—Yes. If the Council is necessary to assist the Governor-general when in Calcutta, I think it is equally necessary to assist him wherever the Governor-general may be; the Governor-general has to act either by the advice of men who are not responsible, or he has to act without any advice at all when he is away from the Council; either of those cases is one that, I think, never could have been contemplated by the Legislature.

1136. Would you in that case appoint a Governor to act at Calcutta during his absence?—No; not if there is to be a separate Governor of Bengal, who will discharge all the local duties.

1137. You see no inconvenience likely to arise to the administration of affairs from the entire removal of the whole of the Government, that is, the Governor-general and the Council, elsewhere?—No; I think the Governor of Bengal could as well manage the Government of Calcutta as they are managed at the other Presidencies.

1138. Mr. *Hume.*] The Council being appointed to advise the Governor-general on all matters connected with the Government of India, is it your decided opinion that whenever the Governor-general is obliged to leave Calcutta, he should be accompanied by the Council, so that he might have the benefit of their advice?—Yes.

1139. And that there should be a separate Governor of Bengal who should deal with every emergency that might arise?—Yes.

1140. Mr. *Hardinge.*] Would not the Council going with the Governor-general increase the expense?—Yes, and that I take to be the only reason why it is not done.

1141. Would not transferring the seat of Government from Calcutta to Agra very much injure trade in Calcutta?—I would not transfer the seat of Government to Agra; I would only give the Governor-general and the Council power to go from time to time to any part of India, where his presence might be necessary.

1142. You do not think it desirable to transfer the seat of Government?—No, I think that Calcutta should be the permanent seat of Government; but the Governor-general, instead of going alone to different parts of India, should go with his Council.

1143. Mr. *Herries.*] The Governor-general has full power to act by his own authority, independently of his Council, if he thinks fit to exercise it?—The Governor-general, before he goes, records a Minute, stating, that it is necessary for him to go, and it rests with himself and his Council to decide what powers he should exercise, and the consequence is, usually, that they confer full powers upon him to act independently, he informing the President in Council of all he does.

1144. He has full power of directing the administration of all public affairs when he is absent of his own authority?—He has, if the power is conferred on him by the Governor-General in Council before he goes.

1145. But the advantage which you suppose would be derived from what you have suggested, viz., the Council being with the Governor-General, is, that you think he might be better advised than when acting upon his own determination only?—I mean to say that he has, generally speaking, more important duties to perform when he is absent from Calcutta, and cases must continually arise which require deliberation, but he has no person to consult; the Council are the legally authorized advisers of the Governor-general, and he is deprived, in the most difficult circumstances, of their advice altogether.

W. W. Bird, Esq.

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1146. Mr. *Hume.*] During the absence of the Governor-general from Calcutta, in what way does he benefit by the Council in Calcutta?—A correspondence is conducted officially by the Secretaries, and also the President of the Council corresponds privately with the Governor-general, but in regard to measures of peace and war, and matters that especially require prompt decision, he has no communication whatever with them. I do not think that either Lord Auckland or Lord Ellenborough ever consulted the President in Council on such matters when they were up the country. An official communication was carried on between the Secretaries, and the Governor-general, and the local Government; and also there were private communications between the members of the Government and the Governor-general, but I do not think any of the matters connected with the operations that were going on up the country were communicated, by the Governor-general of India, with the view of obtaining the opinion of the local Government.

1147. Mr. *Vernon Smith.*] As you, from your long and eminent service in India, are probably acquainted with the feelings of the civil members of the East India Company's service, can you state your opinion whether the mode of election and canvass for Directors in this country, deters them from being ambitious of that honour?—I cannot answer for others, but, with regard to myself, I can say that I have been deterred from offering myself for the direction, by the immense time that it takes to canvass, and by the difficulty that at my advanced period of life I should have experienced in obtaining a seat, and I suppose that the same feeling animates a number of others, though not all.

1148. Is it your opinion that that would deter men, who had filled high stations in India, from seeking an honour which otherwise they would be anxious to obtain?—I can only answer for myself; it certainly did deter me; but then it should also be recollected, that having passed the best years of my life in India, I was liable to be considered no longer an efficient candidate.

1149. Having passed so many years of your life in India, I need not say that you were eminently fitted for the direction if you had been desirous to obtain it. Could you point out to the Committee whether any mode of election could be adopted that would secure the services of such men as Mountstuart Elphinstone, Sir Charles Metcalfe, and others, who have been deterred, like yourself, from seeking the honour of being elected Directors?—I am not prepared to suggest anything upon the subject. I have heard those who had canvassed say, that the system of allowing votes by proxy tended very much to increase the trouble and difficulty, and sometimes that they had been exposed to much personal incivility.

1150. That system has been adopted since the last Act?—Yes.

1151. And you think that that has materially added to the disinclination of persons in the same position as yourself to court that honour?—I think the difficulties connected with the system, as now laid down, have operated in many cases.

1152. So that, of late, you think the mode of election adopted has prevented such persons from seeking the office?—Yes, I think there is great difficulty and inconvenience attending it.

Martis, 18° *die Maii*, 1852.

MEMBERS PRESENT.

Mr. Baring.	Sir R. H. Inglis.
Lord John Russell.	Sir E. Colebrooke.
Sir James Hogg.	Mr. Hardinge.
Mr. Herries.	Mr. Cardwell.
Mr. Mangles.	Mr. Plowden.
Viscount Mahon.	Mr. Baillie.
Mr. Hume.	Mr. M. Gibson.
Viscount Jocelyn.	Mr. Hildyard.
Mr. Vernon Smith.	

THOMAS BARING, Esq., IN THE CHAIR.

Sir *Thomas Herbert Maddock*, called in; and Examined.

Sir *T. H. Maddock*.

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1153. *Chairman.*] WILL you state the length of your service in India, and the principal offices which you have filled there?—I have served in India for 33 years; in the early part of my career I was principally employed in political and administrative duties in Bundelcund, in Saugur, and the Nerbudder Territories, in Bopal and Eastern Maliva, and as British resident in Oude and in Nepaul; subsequently, after visiting Europe, I was for a short time employed as Commissioner for hearing appeals in resumption cases; then I was Secretary of the Government of India in the Foreign Department, and afterwards Member of Council; and during the last three years of my term as Member of Council, I was Deputy-governor of Bengal and President of Council.

1154. The Committee have had explained to them the mode of carrying on the government at home and in India; may I ask you whether your experience would suggest any changes in the mode of the government at home, which you think would be advantageous for the better government of India?—It is with considerable diffidence that I would offer an opinion as to changes and improvements which should be introduced into the Home Government of India; there is one point, however, which I think admits of consideration, as an amendment upon the present system; that is this: the Court of Directors consists in a great measure of officers who have served in India, and of other individuals who have resided in India, not in the service; I presume that it is desirable that persons of that class should always form a considerable part of the number of the Directors; and it would be a great improvement upon the present system, if military or civil servants of the East India Company, who have spent the greater part of their lives in India, and returned to this country with much knowledge and experience of the system of government there, had opportunities of employment as members of the Court of Direction, not after a long interval subsequent to their return from India, but immediately, or as soon as was practicable after their return.

1155. Can you suggest any way in which that would be better effected than it is under the present system?—Such a change, I presume, can only be effected by some modification of the elective right of the proprietors of East India stock; for if any such alteration as I have ventured to suggest was introduced, it would follow that the individuals who would be selected must be selected either by the Crown, or by the Directors of the East India Company itself, or by both authorities; and would be selected, of course, in consequence of their superior experience, and the positions which they had held, either military or civil, under the Government of India, and the number of Directors so elected would bear such proportion to the whole number of Directors as might be deemed most expedient.

1156. Do I understand that you would suggest that the candidates should be first selected by the Crown and the East India Company before submitting their claims to the proprietors for election?—No, not that they should be submitted to the proprietors under such a system. The number of directors to be elected by the proprietors should be diminished, one portion only of the body of Directors being elected by them, and the other portion being appointed by the Crown in conjunction with the East India Company.

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1157. Have you any other suggestion to make as to any change in the system at home?—I am not sufficiently informed of the working of the Home system to be able to make any positive suggestion for an alteration. As far as the intercourse between the Government of India and the Home Authorities is concerned, it seems to me practicable to reduce very greatly the amount of correspondence which is maintained between them. It appears to me, that for the greater portion of the ordinary business which is transacted in India by the separate subordinate Governments, it would ordinarily be sufficient that, instead of the whole of the proceedings, including every paper whatever, however minute, which are laid before each of the subordinate Governments, and the Government of India, being transmitted in gross and in triplicate to the India House, sufficient abstracts, such as the subordinate Governments now transmit periodically to the Supreme Government in Calcutta, would answer every purpose for the information of the Home Government. At the present time, when the communication with India is so rapid, there could be very little general inconvenience arising from the want of particular detailed information in ordinary cases, as the Court of Directors would have it in their power, within two, or at most three months, to send for and obtain the records in detail of any case which had been submitted to them in abstract, and of which they were desirous to obtain the most complete particulars.

1158. You consider that that would be sufficient to enable the Court of Directors to know the whole grounds upon which the Government in India had come to a decision?—I do not mean to say that that would be in every case sufficient, because in many instances, as they now are, the Home Government would be supplied, and in cases of importance, with all the proceedings in detail, but it would involve only a delay, as I said, of three months to enable the Home Government to obtain the full detailed proceedings of every case, however unimportant, which they thought proper to call for. Such is at the present time the practice as regards the communication which exists between the superintending Government in India and the subordinate Governments of Bengal, Madras, Bombay, and Agra; the latter forward weekly or monthly an abstract of all their proceedings in every department, and of every description, regarding matters of moment and regarding matters of the least importance to the Government of India. In looking over those abstracts the Governor-general in Council marks any paper respecting which he desires to have detailed information, and in many cases he calls upon the subordinate Government to furnish him with copies of the whole of the proceedings and every paper contained in the record of the case which he wishes to make himself acquainted with. I cannot see any sufficient reason why a similar course would not be equally sufficient for the communication between the Home Authorities and all the Governments in India; and it will be observed that the subordinate Governments in every case of importance do, in making their report upon it to the Supreme Government in Calcutta, forward copies of all the documents which may have been recorded in detail, it is only in those matters which are not considered pressing or are not considered of so great importance that they furnish only an abstract till they are called upon by the superior authority to supply the whole of the papers in detail.

1159. What is your opinion as to the efficiency of the present system of Government in India, as established since 1834?—I consider that, upon the whole, the form of Government established by the last Charter Act has been efficient, and has been a considerable improvement upon the system of government which previously existed. I consider that the complete control which is exercised under the present Charter Act by the Governor-general in Council over the subordinate Presidencies, and especially that control which is exercised by the Governor-general over those Presidencies in matters of finance, has contributed very greatly to the uniformity and efficiency of the general administration of the country. Besides that, the legislation of the whole country has been rendered uniform, whereas previously there was a power of making regulations, exercised by the Governors of all the subordinate Presidencies; that power now is confined, and very properly, to the Supreme Council, which has power to legislate either generally on subjects involving the interests of all India, or on local subjects affecting only the affairs of any particular division of India.

1160. Are there any changes which you would suggest as expedient or desirable in the system of the Government in India as at present practised?—There is one great inconvenience which has arisen under the present system, which is deserving of consideration. It has happened that the Governor-general in Council, according

cording to the provisions of the Charter Act, has since it came into operation been absent from the seat of Government, and separated from the Council over which he was appointed to preside, and in conjunction with which he carries on the Government of India, for considerably more than half that period; the Charter Act gave power to the Governor-general in Council to legislate in order to make provision for the due carrying on of the government during such absences as were contemplated to be possible when the Charter Act was framed, and on those occasions Acts of the Indian Legislature have been passed, a copy of one of which, to illustrate the provision which on such an occasion has been made for carrying on the government during the absence of the Governor-general, I hand in.

[*The Witness delivered in the same, which is as follows:*]

RESOLUTION.

The Governor-general in Council has resolved that the following portions of the business of the Government of India shall be conducted by the President in Council during the absence of the Governor-general.

1. All business of routine and detail in the military department, excepting such as may arise within the North-western Provinces.

2. All business in the Secret and Foreign Departments, arising within the Territories subject to the Government of Bengal, and the Presidency of Madras; all business arising in Mysore and Coorg, and all business of routine and detail in the said departments, arising within the Presidency of Bombay.

3. All business in the Home and Finance Departments, excepting business arising within the North-western Provinces.

4. Provided that all appointments which are made by or require the confirmation of the Governor-general in Council, shall be made and confirmed by the Governor-general.

SUBORDINATE ARRANGEMENTS.

1. Upon all occasions of special importance in the management of the several branches of administration to be conducted by the President in Council, which are not of a nature to require immediate orders, as well as on all propositions involving any essential change in the system established in any departments, the President in Council will consult with the Governor-general before coming to a final decision.

2. Except in urgent cases, Drafts of Acts will not be promulgated for general information without the assent of the Governor-general to such promulgation.

3. The President in Council will direct the following papers to be furnished to the Governor-general for his information:—

(1.) Copies of all letters from the President in Council to the Honourable the Court of Directors and the Secret Committee.

(2.) Abstract of the proceedings of the President in Council.

(3.) The originals or copies of abstracts of the proceedings of the subordinate Government requiring special notice, and copies of any orders passed on the perusal of them.

(4.) The originals or copies of letters from Boards or from the Sudder Dewanny, or Nizamut Adawlut, involving the character or conduct of the covenanted servants of Government, which may be submitted to the President in Council by the Deputy-governor of Bengal.

(5.) The Governor-general will direct copies of all letters from himself to the Honourable the Court of Directors and the Secret Committee to be furnished to the President in Council for his information.

(6.) The Governor-general will forward to the President in Council copies of the whole of his proceedings, so that the record may be made at the Presidency of the Governor-general's proceedings, and the series be kept complete by incorporating them with those of the President in Council, for transmission and report to the Court of Directors.

4. Respecting letters addressed in all departments by the subordinate Governments to the Honourable the Court of Directors and the Secret Committee, the Government of Bombay will be requested to transmit copies of all such letters to the head quarters of the Governor-general, who after perusal will forward them to the President in Council, and the Governments of Bengal and Madras will be requested to transmit copies of all such letters to the President in Council, by whom, after perusal, they will be forwarded to the Governor-general.

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ACT No. XXII. of 1850, passed by the Governor-general of India in Counci on the 13th April 1850.

An Act for providing for the Exercise of certain Powers by the Governor-General during his absence from the Council of India.

WHEREAS it is expedient that the Governor-general should visit the North-western Provinces and other parts of India, unaccompanied by any Member of the Council of India, It is enacted as follows:

I. During the absence of the Governor-general from the Council of India, it shall be lawful for the Governor-general alone to exercise all the powers which may be exercised by the Governor-general in Council, except such powers as may by a resolution of the Governor-general in Council be exercised by the President in Council during the absence of the Governor-general, and except the power of making laws and regulations.

II. This Act shall commence from the day on which it shall be notified by an order published in the Official Gazette, that the Governor-general has quitted Calcutta for the purpose of so proceeding as aforesaid.

It will be seen from this that a division on such occasions has been made of the authority enjoyed by the Governor-general in Council, according to the Charter Act, between the Governor-general absent and the Member of the Supreme Council appointed to act as President of the Council during the Governor-general's absence, and on occasions all the division of authority has been this, that the Governor-general exercised almost entire control over the departments which are termed in India the Military and the Foreign, and that the President in Council presided over the Revenue, Judicial, Legislative, and Financial departments, as, according to the terms of the Charter Act, no legislative Act can be passed without the concurrence of the Governor-general in Council; the authority of the President in Council, in legislative matters, remained on these occasions completely under the control of the Governor-general. In consequence of this, great delay necessarily occurred in the consideration of all matters connected with the Legislative Department; and it occurs to me, that if in any subsequent Charter Act it is contemplated that the Governor-general shall be separated, as has been the case hitherto for long periods, from the Executive Council, provision should be made to prevent such delays in the legislative proceedings of the Government; and if any such change should be considered expedient, the only mode in which it appears to me that it would be praticable to effect it would be, to have the Council so constituted, that it would admit of some such division of its members, that a portion, as an Executive Council, might accompany the Governor-general in his absences from the seat of government, while another portion of the Council might remain empowered to carry on measures of a legislative nature, and also, probably, for the sake of convenience, to conduct some of the details of the Home Government in the Judicial and Revenue Departments. But alterations of this kind which I have ventured to suggest, must depend upon other circumstances connected with the place of residence which may be fixed upon for the Governor-general as the principal seat of the government, and upon the numbers that may be fixed of future Members of the Council in case any alteration is made in the present system.

1161. Your suggestion would involve, of necessity, an increase in the number of members of Council?—I conceive that it would involve necessarily an increase in the number of members of the Supreme Council.

1162. Do you think it would be desirable to separate the Government of Bengal from the general Government?—I cannot have a doubt upon the subject of the expediency of separating the Government of Bengal entirely from the office of the Governor-general of India. I think the provinces of Bengal, Bahar, and Orissa, and the other dependencies of the Government of Bengal, have during the whole period of the present Charter Act, laboured under disadvantages to which no other part of the country has of late years been so completely subjected, in consequence of the system which has been introduced since the last Charter Act, and the frequent absences of the Governor-general from Bengal. There have been changes in the offices of the Governor and Deputy-governor of Bengal, to an extent that I believe will show that the tenure of each individual's office in charge of the Government of Bengal has not been equal to two years; all the other divisions of the Indian empire have had the advantage of permanent government for a period of, at least on the average, five years; and under the system of perpetual

petual change which has occurred in Bengal, it cannot be expected that an officer, whether Governor of Bengal, or Deputy-governor of Bengal, can take that interest in the Government, and be able to devise plans for its improvement as would be the case if his tenure of office was likely to be prolonged to the same extent as is the case with the other divisions of India. Even before the period of the Charter Act, the Governor-general was Governor of Bengal, and his duties have always included the general superintendence of the affairs of India, though not to the extent that was entailed upon him by the late Charter Act, and the Governor-general, even if always present in Calcutta, could not devote so much of his own time and attention to the welfare of Bengal as the other divisions of the empire obtained from their respective Governors; his other duties are too pressing, and no Governor-general, as Governor of Bengal, can make himself acquainted with the country under his charge, by vsiting the different divisions of it, as the only exception I have heard of was a short excursion of Lord William Bentinck, which partook as much of the character of a shooting excursion as that of a tour for the purposes of the public benefit. The Committee may be aware that in the other division of Bengal, that is the Agra Government, the Lieutenant-governor visits, almost every year, some portion of his territory, and thus becomes intimately acquainted with the people and with their interests; there have also been occasional tours on the part of the Governor of Madras; and the Governor of Bombay has frequently visited different parts of his territory. I conceive, therefore, that this is a great disadvantage that Bengal has laboured under, viz., that it has never had for any length of time since the Charter Act a permanent resident Governor, and that the Governors or Deputy-governors, from other avocations that they have had, have never had leisure to take any practical means of making themselves acquainted with the country and with the people, which visiting the different parts of the territory would have afforded them, and on these grounds, I am of opinion that Bengal is entitled to the advantage of a Governor, quite distinct and independent of the Governor-general in Council, further than that subjection under which all the subordinate Governments are exercised.

1163. Should you recommend that that distinct Governor should be appointed, as at Madras and Bombay, with a Council, or as at Agra, without a Council?—I think upon the subject of giving to a Governor of any of the Presidencies of India the assistance of a Council, much must depend upon the class of persons from which the selection is ordinarily or invariably to be made. There can be no doubt, I believe, that if it is intended to fill up the appointment of Governors of the subordinate Presidencies in all instances, or generally so, by persons of great administrative skill and experience, as has lately been done in the case of the Agra Government, the assistance of a Council would be uncalled for. But (and I speak not only of Bengal, but alike of all the subordinate Presidencies, Bengal, Agra, Madras, and Bombay) if the officers to be selected to fill those Governments are gentlemen of no Indian experience, then either in Bengal or in Agra, or in Madras, or in Bombay, I cannot imagine that the Government could be skilfully conducted without the assistance of Members of Council, or if it was skilfully conducted, the good government must be owing, in a great measure, to the influence of the secretary or the secretaries, who alone would be able to assist a stranger arriving in India in understanding and conducting the details of the government.

1164. Do you consider that any improvement would be effected by adding to the Supreme Council a member from each of the Councils of Madras and Bombay?—In answering that question, I would do so with this reserve, that a great deal that would influence my opinion must depend upon circumstances, the decision of which of course I am unable to foresee. If it is intended, for instance, to discontinue the Councils at the subordinate Presidencies, in that case, there can be no doubt I think that some members of the services of the different Presidencies, perhaps one member from each, should be members of the Council of India; and a good deal also will depend upon the number of which it is decided that the Council of India shall hereafter consist, and something also will depend upon the manner in which the legislative power of the Council of India is hereafter to be exercised, if any change in that department of the Government is contemplated.

1165. Then do I understand you rightly, that if the Councils of Madras and Bombay are maintained, you would not think it necessary or desirable that one of the members of the Councils of Madras and Bombay respectively should be attached to the Supreme Council?—I think that such a change could hardly be

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effected with great advantage. If it is considered indispensable to have members of the civil service from each of the Presidency Councils members of the Supreme Council, and if it is also intended to retain separate and distinct Councils to assist the Governors of each of those Presidencies, I should prefer still maintaining those Councils at each of those Presidencies upon their present footing, even though members of the services of those Presidencies were also to be selected to be members of the Council of India; for this reason, if it is necessary that the Governor of one of the subordinate Presidencies should have a Council at all, I think that limiting that Council to one member of the service would be inexpedient; one member could scarcely be expected to exercise sufficient influence to render his assistance of so much avail as is the case where there are two members of the Council in the subordinate Presidencies, and their united voices are a check upon the Governor; and of course the assistance that two can afford in advice and in information to the Governor is superior to what could be obtained from one member of Council.

1166. What is your opinion of the utility and efficiency of the present system of communication and reference from the minor Presidencies to the Governor-general in Council?—In one of my previous answers I mentioned that this system existed, that all the proceedings of the subordinate Presidencies are reported periodically in abstract to the Supreme Government, and that the Supreme Government notices anything that is remarkable, and calls for information of anything that is not sufficiently explained, or sends for copies of the whole of the documents in any particular case where full information is required by the Supreme Government.

1167. You think it desirable to retain that system?—I think if the control of the Supreme Government is to be continued at all over the subordinate Governments, no system can be more convenient than the present system, a system which while it gives a most complete power of control by the Supreme Government over the subordinate Governments, entails as little inconvenience and as little loss of time and of labour as any that could be devised, and which would also facilitate the control which it is considered desirable to exercise.

1168. You would not suggest any change in that system, as at present adopted?—I think not, in any department; I am not aware of any inconvenience which arises. With respect to the Financial department, to which I think some allusion was made, it appears to me absolutely and indispensably necessary that a most complete and constant control should prevail over the expenses of the subordinate Presidencies; indeed if any change was to be made in that respect, I am of opinion that it would be generally advantageous that the control should be exercised more exclusively than it is now by the Governor-general in Council. For the direct control over the expenses of India is now exercised partly by the Governor-general in Council, and partly by the Court of Directors. I am very much disposed to think that it would be more convenient, and equally advantageous to the financial interests of the State, if the Governor-general in Council were left freer in the exercise of that control than has hitherto been the case. In illustration of my views on this point, I think that it is deserving the Committee's consideration that there are some exceedingly heavy items of expenditure in India, which the Court of Directors have kept entirely out of the control of the Governor-general in Council, with what objects of public advantage I know not, but, as it has always appeared to me, with no local advantage, and I do not think with any increase of economy. I allude particularly to the control of the Indian Navy, formerly called the Bombay Marine. I confess that I have never been aware of any argument which would convince me why, while every other branch of expense, while every other establishment, naval, military, and civil, is under the control and authority of the Governor-general in Council, this one department should be managed, and I fear not economically managed, free altogether from the control of the Indian authorities.

1169. Would you then dispense with any communication between the Governments of the minor Presidencies and the Court of Directors, and have all communications made only to the Governor-general, and have him as the channel of communication with the Court of Directors, or would you modify the system as it is at present established?—It would involve a very great change in the present system of Indian administration if the Governor-general was vested with such exclusive and entire control over the subordinate Presidencies; but I think that much advantage may be expected from limiting as much as possible the interference on the

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part of the Home Authorities with the subordinate Governments, excepting through and with the concurrence of the Supreme Government of India; and for this reason, that whatever wishes and orders of the Home Authorities may be communicated to the subordinate Governments through the supreme Government of India, they are more likely to be carried out with uniformity than if the governing authorities in England address separate instructions to each of the subordinate Presidencies without communication with the Government of India. It will be observed, however, that the Court of Directors do now ordinarily communicate copies of their despatches to the subordinate Governments to the Governor-general in Council, for his information; but on many occasions they give their orders direct, while on others they direct that their orders shall be communicated to the subordinate Governments through the Governor-general in Council. As to the expediency of making such a system universal, as that every order and instruction of the Home Government to the subordinate Governments in India shall pass through the Governor-general in Council, it would involve an entire change in the principle which have hitherto prevailed, and the authority of the Governor-general in Council would be immensely enhanced, and probably with some advantage; but I do not see that such a measure is requisite as an improvement of the present system.

1170. Is the period limited during which a civil servant can occupy a seat in the Supreme Council?—By law there is no limit; but it is an understanding, and has been declared by the Directors of the East India Company to be their intention that the limit of a seat in the Council is five years; as also, I believe, there is a similar understanding that the tenure of the office of Governor or Governor-general is ordinarily five years.

1171. Viscount *Mahon.*] From what date has that understanding prevailed, or when was that limit fixed?—I am unable to answer that question.

1172. *Chairman.*] Do you think that it is desirable to maintain that limit?—That may be viewed, I think, in two lights. The selection of an officer to hold a seat in the Council is sometimes made much more as a reward of past services for a long continuance of years than for the purpose of giving to the Governor the assistance of the ablest and the best man who can be selected for a Councillor. If it is viewed in the former case as a reward for long services, and nothing more, it evidently is most desirable that it should have its limit; and five years is unquestionably a sufficiently long period for an officer to hold such a situation as a reward for past services; but if the functions of a member of Council are thought to require for their proper discharge the best talent and the greatest experience, and none but the ablest men are ever selected for the office, in that case I can see no reason whatever why the tenure should be limited to five years. But it is to be borne in mind that even according to the present practice the Court of Directors have the full power of extending the term beyond five years to any number of years; there is no limit to their power in that respect, that I am aware of.

1173. Have they exercised that power?—They have occasionally prolonged the tenure. As to the understanding that exists respecting the period for the tenure of this office, I should have confined my former observation to the Governments of Bengal, and the Supreme Government; because, if I recollect rightly, till a very recent period a different practice existed in the Presidency of Madras; and, if I am not very much mistaken, some of the members of Council at Madras have continued to hold the office of Members of Council for many years, and have held themselves entitled to hold the office until they chose to resign it, or were dismissed.

1174. That applies to the period since the last Act?—I do not confine my observations to that period for I believe the limit was the same before the last Act in Bengal.

1175. But that limit has applied ever since 1834?—It has.

1176. Has the limit of five years applied to all the Presidencies since 1834?—I believe so.

1177. Have you observed any injury to the Government of India, arising from the delay which takes place in receiving answers to despatches, from the present mode of communication between the two governing bodies at home?—I think not generally; instances have arisen in which inconvenient delay has occurred, but I am not aware that ordinarily the delay which takes place in communicating

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the orders of the Home Authorities to references made from the Government of India has been such as to be any cause of complaint.

1178. With reference to the ordinary period to which the Government of the Governor-general is limited, can you express to the Committee any opinion as to whether it is desirable to maintain that limit or not?—As I have said before, I believe that it is merely a conventional understanding that there is any limit of time; in fact, the appointment of Governor-general or Governor is in this respect the same as that of any Member of Council; the appointment is not fixed for any limited period, and it remains consequently at the option of the Home Authorities to allow the Governor-general to continue in office for an unlimited period, provided he himself wishes to remain in India. There can be no doubt, I think, that there are many instances in which it is expedient for the benefit of India, and for the benefit of England, that the Governor-general should be induced to remain in India as long as he can conveniently stay there, but it will be observed that ordinarily a Governor-general, after having spent five or six years in India, has little desire to remain there any longer.

1179. Has there been any instance, since 1834, of a Governor-general remaining above five years?—Yes, Lord Auckland continued through the greater portion of the sixth year in India.

1180. Mr. *Mangles.*] Lord William Bentinck was Governor-general for seven years?—Yes; that was before and after the last Charter Act.

1181. *Chairman.*] Did Lord Auckland eventually resign, or was he recalled?—Lord Auckland, upon a change of Ministry, was superseded by Lord Ellenborough.

1182. What is your opinion as to the expediency of maintaining the power now vested in the Court of Directors of recalling the Governor-general?—It appears to me to be a power which may be exercised usefully, but still I cannot but consider it a power inconsistent with the general footing on which the East India Company stands with relation to the Crown.

1183. Will you explain why you consider that power to be inconsistent with the relations between the Crown and the East India Company?—It is inconsistent in this respect, I conceive that the appointment of the Governor-general is not the sole act of the Court of Directors, and there is no other power exercised by the Court of Directors, that I am aware of, which is not limited by the control of the Crown.

1184. What is your opinion of the general efficiency of the civil servants, as now appointed to India?—I consider the India civil service is a body possessed of very great efficiency, and equal, as far as it is possible to make European functionaries equal, to the discharge of the details of an administration over a country consisting of so many nations, and of such immense extent as India.

1185. Does your experience justify you in stating that the course of education in this country is the most proper that you could suggest?—Yes, I think that I can venture to say so; I am not aware of any great improvement that can be proposed in the nature of the education which is given to the young men who are appointed to the civil service in India. We cannot in this country fully prepare a youth of 18 or 19, by any system of education, for the peculiar duties which he has to discharge in India; all that we can possibly expect to do in this country, is generally to enlarge his mind and to give him high and noble aspirations; and must leave him to serve his apprenticeship in India, in every branch of the details of those important duties with which he is to be vested. I think all that can be done in this country is to endeavour to send out to India high-minded gentlemen with enlarged minds and liberal views, and that this is all that can possibly be expected from any system of European education of young men, who in after life are to be employed in the important duties of administration in India.

1186. What is your opinion of the present scale of remuneration to the civil servants of the East India Company?—Upon the whole, I am of opinion that the scale of remuneration of the civil servants in India has of late years been reduced to as low a point as it would be prudent to attempt to bring it. Take the case of a young man who is entering upon the civil service now, the rate of remuneration which he is likely to receive during a period of 25 years of most laborious employment, and supposing him to be rather fortunate than otherwise in promotion, and in the appointments which he has succeeded to, at the end of those 25 years of labour we shall hardly find him in the possession of a realized capital of more than 20,000 *l.* I think it is impossible that anybody can say

say that that, in addition to the annuity which he obtains, not as a gift from Government, but having paid for it himself, by deductions from his salary, is such a sum as we can grudge a gentleman of education and talents for devoting the whole of the best years of his life to the service of his country and of India.

1187. Sir *R. H. Inglis.*] As to the power now vested in the Court of Directors to recal the Governor-general, you have stated that "such a power may be exercised usefully, but still it is a power inconsistent with the general footing on which the East India Company stands with relation to the Crown." Has it, to your knowledge, been exercised more than once?—Not more than once in my experience.

1188. In your knowledge of the history of the East India Company, has it been exercised more than once?—Not that I am aware of.

1189. In the earlier part of your evidence you referred to a contingency that would depend upon the place of residence that might be fixed as the principal seat of the Supreme Government; has your attention been turned to any change of the seat of the Supreme Government from Calcutta to any other point, and if so, will you state whether in your judgment it is fitting that the seat of the Supreme Government should be changed from Calcutta to any other place?—I am aware that this is a subject which has been frequently canvassed, especially in India, and many places have been named as preferable to Calcutta for the seat of the Supreme Government; but as far as my own opinion has been formed on the subject, I have not been induced to consider that there is any necessity or expediency for selecting any place for the seat of the Government of India in preference to Calcutta, which, although it has disadvantages from being almost at the extreme southern limit of Bengal, and at an immense distance by land from the north-western frontier, is still the commercial capital of India, and is the capital of Bengal, which affords so very large a proportion of the whole of the revenues which support the Government of India; and although it appears to be in a remote corner as you look at the map of the whole of the British dominions in India, yet it is in many respects a commanding position, and on more than one occasion when the Governor-general has contemplated residing in other parts of the empire, he has been compelled from political circumstances to forego that intention and to renew his residence in Calcutta. This was the case at the commencement of the China war, when Lord Auckland contemplated remaining another year in the North-western Provinces, but the necessity of presiding over the preparations of the expedition from Calcutta and the other parts of India to China compelled him to forego his intention and to take up his residence in Calcutta. And I find that in the present year the Governor-general of India, Lord Dalhousie, was compelled to hasten his return from the North-western Provinces to Calcutta, in consequence of the necessity which had arisen of superintending the preparations for the expedition to be sent against the Burmese territories. Such contingencies of course are liable to occur at all times, and upon the whole, I consider Calcutta preferable as the permanent seat of the Supreme Government of India to any other place.

1190. You express that opinion, irrespective of the consideration of the convenience of the existing buildings, and existing interests, and the inconvenience of transferring either to any other locality, having reference, in short, to political considerations alone, to decide the question?—Yes, I entertain that opinion, irrespective of those reasons, although those reasons, of course, weigh very greatly with me in forming an opinion in favour of the continuance of the seat of Government at Calcutta.

1191. Do you, or do you not, consider the increased facility of communication with Europe by steam, and of communication with India by railways, render the proposal of removing of the seat of Government to Bombay, which might have been possible in 1834, far less possible at the present moment?—Unquestionably; and I confess that among the different projects that I have heard connected with the removal of the seat of Government from Calcutta, that of its removal to Bombay is not one which I should have preferred.

1192. Do you wish the Committee to understand that the Governor-general in his progresses should be accompanied by two, at least, of his Council, or any other definite number?—I have no hesitation in expressing my opinion, that constituted as the Government of India is in its main features, of a Governor-general in Council, it is undesirable that that main feature in the character of the Government should be lost sight of, and an altered character given to the Government,

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not only occasionally and in cases of emergency, but so frequently and for such a length of time, as that considerably upwards of one-half of the period since the passing of the Charter Act has been spent, as I think I mentioned before, by the Governor-general without the assistance of any Council.

1193. If it be your opinion that the Governor-general of India should always act in conjunction with a Council, and that he should be accompanied in his progresses by two or any other number of members of Council, does it not follow as a matter of course that the Council must consist of more members than it does at present?—In case it should be resolved that the present system should be discontinued, and that in the necessary absences of the Governor-general from Calcutta he should be accompanied by any members of the Council at all, I am clearly of opinion that the present number of Councillors would not be sufficient to afford members to accompany the Governor-general in his absences, and to afford also a sufficient body to carry on the legislative and other administrative duties in detail, which I cannot conceive it can ever be expedient to have conducted altogether by the Governor-general, when absent from the seat of Government.

1194. Do the Committee rightly understand your meaning, that the number of members of the Supreme Council should be increased, not by the withdrawal of members of the Council from Madras and Bombay respectively, but by the selection of other members of the civil service in each of those Presidencies to be added to the members of the Supreme Council of India?—My opinion was not meant to be expressed in favour of any increase of the present number of members of the Council of the Government of India, unless such a change as I have contemplated in a former answer should be resolved upon; in that case, it would be indispensable that the present number of members should be increased, and if there is any increase of the present number, it is most desirable that some members of the Council of India should be selected from the services of Madras and Bombay.

1195. You desire the Committee to understand that the Supreme Government ought to have even an increased control over the expenditure of the subordinate Presidencies; is that correct?—It is so.

1196. Is it not the fact that at this moment the Governor of Bombay, for instance, could not at his own discretion incur expenses even to the extent of five rupees; the Governor of Bombay complained that he could not have a lock made?—I am not aware that there is any restriction of so stringent a nature as that; the limit which is placed upon the authority of Governor of Bombay in respect to the expenditure is regarding the permanent expenditure of the establishments. The Governor of Bombay can authorise the expenditure of 50,000 rupees from the public treasury in case of necessity and emergency, without exceeding the authority that is vested in him; but he cannot appoint any officer of the lowest grade, not even at five rupees a month salary, without the previous sanction of the Governor-general of India.

1197. Sir *J. Hogg*.] Are you aware that by law as it now stands the Court of Directors have the power of recalling or dismissing from their service any servants, civil or military, from the most junior civil or military servant up to the Governor-general himself?—Yes.

1198. And by law the Crown has the power of removing any servants, civil or military, in like manner, from the most junior servant up to the Governor-general, by sign manual?—Exactly.

1199. Each, that is the Court of Directors and the Crown, have their separate power and authority in that respect?—Yes.

1200. The members of Council are appointed by the Court of Directors exclusively, and the nomination is not subject to the Crown?—Yes.

1201. Still the Crown has power, by sign manual, to recall any member of Council and cancel his appointment?—Yes.

1202. The nomination of the Governor-general rests with the Court of Directors, subject to the approbation of the Crown; that, I believe, is the law?—Yes.

1203. Do you think that that provision of the law arises from the necessity of the Governor-general possessing the confidence both of the Court of Directors and of the Crown?—I conceive that the system of nomination of the Governor-general by the Court of Directors, and of approbation by the Crown, implies an acknowledged necessity for a concurrence between the authority of the Crown and of the Court of Directors.

1204. Therefore,

1204. Therefore, it is your opinion that that high functionary ought to possess the confidence of both?—That follows as a consequence.

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1205. If the nomination and appointment of the Governor-general necessarily requires that he should possess the confidence both of the Court of Directors and of the Crown, is it not your opinion that each separately should have the power of recall in the event of the Governor-general forfeiting the confidence of either?—I confess I am not prepared to say that that is my opinion.

1206. Do you not think that the necessity for joint confidence in the appointment of any officer almost induces as a consequence that either of the parties should have the power of recall when either ceases to have confidence?—In the case under consideration the position of the parties, the Crown and the East India Company, is so different, that to my mind it does not follow as a consequence, that because the Governor-general does not continue to possess the full confidence of the Court of Directors, possessing, as on such a supposition must be imagined, the full confidence of the Crown, it would be quite expedient and becoming that a general power should be acknowledged on the part of the inferior authority to set aside the will and the judgment of the superior authority.

1207. Is it your opinion that the Court of Directors, as the law now stands, have and ought to have no control, and no authority, except as it happened to coincide with the authority of the Crown or its Ministers?—No; their power and authority appear to be sufficiently well defined; but this is supposing a case where the power and authority of the two come into collision, and where the one authority wills one thing, and the other authority wills another thing. If I were asked whether in that case the Crown is to yield, or the East India Company is to yield, I should have no hesitation in replying that it is the duty of the East India Company to yield to the Crown.

1208. My questions were founded upon the law as it exists, and not upon the comparative station of the East India Company and the Crown. The law as it exists empowers the East India Company to name the Governor-general, and only gives the Crown the power of confirmation or rejection; you admitted to me that that was founded on the necessity of joint confidence, and apart from the consideration of the high position of the Crown; does it not appear to you that that joint confidence is necessary, and that the moment the confidence of one is withdrawn, that that one, which ever it be, should have the power of recalling the Governor-general?—The power is given by the law to the Court of Directors to recall the Governor-general, without the assent or concurrence of the Crown. Of the law there is no question; but I may be allowed to entertain my doubts as to the principle, and the consistency and expediency of the law being so.

1209. Mr. *V. Smith.*] Do you mean as to the expediency of the exercise of the power in any case, or as to the power itself existing?—I mean as to the expediency the power existing, and not as to the expediency of its past exercise.

1210. Sir *J. Hogg.*] Is the opinion which you have given to the Committee founded upon the high estimate that you have of the position of the Crown, and the impropriety of anybody having by law the power to exercise any act which is in opposition to the will of the Crown?—Not precisely so, but simply in analogy to the position which the East India Company holds in every other matter, subject to the universal control of a Minister of the Crown.

1211. Do you think that every act of the East India Company is subject to the approbation of the Crown?—I stated what I believe is correct, that there is a general control exercised over all the proceedings of the Court of Directors by an officer of the Crown.

1213. Do not the Court of Directors, irrespective of the Crown, or the officer who exercises the authority of the Crown in Indian affairs, appoint all the important public officers in India, those being the members of Council?—Of course they do.

1214. According to the constitution and the law, as it now exists, must not all questions of expense, or increase of salary, or appointment of officers, originate with the Court of Directors?—All originate with the Court of Directors, but, as I have understood, all (but to what degree, more or less, I am not informed) are subject to the general control of the India Board.

1215. Having called your attention to the fact that the Crown can vacate any appointment in India by law, and that the Court of Directors in like manner can vacate any appointment in India by law, do you see any inconsistency in that general power given by law, which has always existed, applying to the Governor-

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general as well as to any other office?—I confess I see a broad distinction between the office of Governor-general of India and that of the subordinate servants of the East India Company. I regard the Governor-general of India as the personal representative of the Sovereign of Great Britain, as well as the representative of the authority of the East India Company.

1216. You consider that he does represent the authority of the East India Company?—Unquestionably.

1217. Still you are of opinion that if the East India Company—I am putting the question in the abstract—that the individual who represented their authority ceased to represent it for the public good, they ought not to have the power of expressing their opinion by withdrawing him from the Government?—The question appears to me to be one of general expediency, arising out of the relations between the East India Company and the Crown; and, as I said before, I confess that, considering the nature of those relations, the possession of such a power as that of removing the Governor-general certainly appears to me inconsistent.

1218. Do you think that the Court of Directors ought to have any voice whatever in the appointment of the Governor-general?—I can see no reason why they should not have as great a voice in the appointment of the Governor-general as they have now.

1219. That is, at least an equal voice with the Crown. As the law now stands, you are aware that the nomination rests with the Court of Directors, subject to the confirmation of the Crown; therefore the law gives the Court an equal power, at least in the nomination?—Yes.

1220. Does it appear to you inconsistent that they should have equal power in the withdrawal?—I confess that it appears to me anomalous and inconsistent that the highest officer under the Crown, the viceroy of such an empire as never has been held in subjection by any other state in the world, the viceroy and representative of the Crown of England, should be liable to be removed by the Court of Directors against the wishes of the Crown.

1221. You mentioned that the expenditure of the Bombay navy was not subject to the control of the supreme Government; is that so always?—It is.

1222. Is not the Bombay Government required to submit to the Supreme Government all estimates of the repairs of vessels and expenditure exceeding a very small limit?—No; the Bombay Government acts totally independent of the Supreme Government in all matters connected with the Indian navy and with the dockyards; and during the period that I had a seat in the Council very large sums were expended on them without the sanction of the Government of India.

1223. In the case of any increase in the pay of officers and establishments of ships, is that submitted to the Supreme Government?—I believe with regard to the fixed pay of officers and establishments an increase cannot be made without reference to the Supreme Government, unless under the direct sanction of the Court of Directors. The general expenditure is beyond the control of the Supreme Government.

1224. Do you mean to include anything beyond repairs, because I believe that the whole expenditure in regard to increasing the pay or in regard to establishments is submitted to the Supreme Government?—Not entirely even with reference to that; the Supreme Government has not been consulted on several occasions; but orders have been issued by the Court of Directors direct to the Government of Bombay regarding the expenses of the Indian navy, regarding the ordinary expenses, that is to say, the establishments, the building of ships, the purchasing of manufacturing engines, and very heavy items of expenditure incurred in the docks at Bombay; all matters of that description have been held exempt from the control of the Supreme Government.

1225. The building of ships and the furnishing of those ships with engines, and, in fact, everything connected with the building of new ships, is ordered directly by the Home Authorities?—Entirely.

1226. And the Bombay Government has no power or authority of themselves to act in the matter without orders from home?—The object which I had in drawing attention to these facts connected with the Indian navy was simply to point out, that that control over the expenditure, which in every other department of every other Government of India is exercised by the Supreme Government, is retained in this instance by the Court of Directors.

1227. You expressed the opinion that it would be better to have a separate person as the Governor of Bengal; I presume you intended a civil servant, as is the

the case in the North-western Provinces, distinct from the Governor-general?—I did not presume to express any opinion beyond what I said, that there ought to be a distinct Governor; whether that Governor should be selected from the members of the Bengal civil service in the same manner as the Lieutenant-governor of Agra has been selected from that service, or whether he should be selected in England and sent out from thence in the same way as other Governors are sent out, I did not presume to offer an opinion at all.

1228. Do you think that he ought to be with or without a Council?—I think I have answered that question generally before, in saying that if he is appointed from the civil service it is to be taken for granted that he will be a man of ability and distinction and of great efficiency, and in that case he will perhaps be able to carry on the administration better without the control or assistance of a Council than with the assistance of a Council; but on the contrary, if he is to be a gentleman, selected without any previous knowledge whatever of Indian affairs, and with no general aptitude for administrative duties, in that case I do not think that it would be very prudent to entrust him with the Government of Bengal without the assistance of a Council, for the particular reason which I have mentioned before, that in that case his actual Councillors must be officers who are not actually responsible, and who ought to be subordinate, that is, the secretaries of his Government, who would be the only persons able to direct and assist him.

1229. Supposing the Governor-general were to continue Governor of Bengal, do you think that as at present, separate and apart from his Council, he ought to act in the administration of that Government, or that, as it was under the old system, it should be the Governor-general in Council, superintending the whole affairs of India, and at the same time administering the separate Government of Bengal. Which of the two do you think was the better system, the one anterior to the Act of 1834, or the one subsequent?—If the Governor-general of all India is also to be Governor of Bengal, it is almost an absurdity to deprive him of the assistance in the administration of Bengal of those men who are sitting beside him in the Council in the Government of India.

1230. You think the old system would be the better of the two?—Yes; the old system would be better than to have the Governor-general also Governor of Bengal, and unaided in the Government of Bengal by any competent or responsible advisers.

1231. Do you not think that there is a great public benefit in the system of sending home to this country all decisions in India, and the grounds of the decisions?—When I gave an opinion upon that subject, in reply to a former question, I did not mean to allude to decisions in matters of high importance, but I meant to allude to the enormous mass of details of ordinary business on which orders are passed daily in immense numbers by the Governments of India, many being in matters of very trivial importance, but all which are recorded in the proceedings. What I meant to object to was the transmission to England, and in duplicate, of an immense mass of records regarding affairs of no importance or of very inferior importance.

1232. Do you not think it would be inexpedient to leave the local Governments to exercise their own judgment of what they should or should not transmit; do not you think that the safest course, and the one least liable to abuse, is to have every thing sent home?—No; I continue of the opinion which I expressed before, that the course of communication at present existing between the subordinate Governments and the Supreme Government of Calcutta, by which the Supreme Government is kept fully and regularly informed of all the proceedings of real and of no importance of the subordinate Governments, is quite sufficient for all purposes of information and check in the India House, the same as in the council chamber in Calcutta. As I said before, those abstracts of every single occurrence which is brought to notice, and discussed in the Council of the Governments of Bombay and Madras, every item of the business is on every council day reported in abstract to the Government of India; it is the especial duty of some officer in the secretariat of the Government of India, and very frequently it is a duty which is assumed by some member of the Council of India, to look carefully through the whole of those abstracts of proceedings, and to note any matter in the record which seems to require a further report, and to send for it.

1233. The result of your opinion is, that you do not think the good resulting from the present system is commensurate with the trouble and expense attending it?—I think the Court of Directors might be satisfied with the same process

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in these matters which the Government of India finds sufficient to enable it to exercise an efficient control over the subordinate Governments.

1234. I did not quite understand what you said about the change in the mode of electing the directors of the East India Company; if I correctly understood, you suggested that some of them should be rather nominated than elected?—Yes.

1235. Who would be the nominating power; do not you think that if the Government were to nominate it would be very apt to degenerate into a Government Board?—No; I think the nomination of a certain portion of the directors of the East India Company might be very safely exercised by the Court of Directors, controlled in this as they are in all other matters by the Crown; that is to say, it would be a joint nomination.

1236. What proportion would you have so nominated?—That must depend in some measure upon what number of directors there are to be altogether.

1237. Would you give a general power of selection to the Court of Directors, subject to the approbation of the Board of Control, to take the fittest men they could find, or, would you limit them to the civil and military servants of the Company?—I would greatly prefer to limit them to the civil and military servants of the Company.

1238. As the law now stands, almost every person elected a director is a civil or military servant of the Company?—Yes; they are elected after having been some considerable time in England, whereas under such an alteration as I venture to suggest, the Home Government of India would have the advantage of the knowledge and experience of the most distinguished of their Indian servants immediately upon their return from India, and with all their information fresh.

1239. Your objection is to the trouble and expense attending the present canvass?—The objection that I referred to was this, that whereas it would be advisable to secure the advantage of the services of Indian functionaries as early as possible after they returned from India, under the present system considerable delay occurs before a retired Indian functionary can obtain a seat in the Direction; but on the other point I certainly consider that the difficulties (I would not allude to the expense), and the somewhat humiliating circumstances which attend the canvass for a seat in the Court of Directors, do deter many distinguished men, who would otherwise be proud and ambitious to become members of the Court of Directors, from attempting to obtain a seat in that body.

1240. Is there not a good deal of trouble and expense attending the canvass for a seat in Parliament and attending the canvass for any public situation which is obtained by election?—I have not yet obtained a seat in Parliament, nor gone through the ordeal of a canvass for a seat in Parliament, and I cannot therefore answer the question.

1241. But do not you think that there is great trouble and expense in obtaining a seat in Parliament, or any other public situation which a person obtains by election and canvass?—I dare say there is.

1242. Is there anything more humiliating in canvassing the proprietors of East India stock than in canvassing those who have the Parliamentary franchise?—As I am informed, there certainly are humiliating circumstances that have frequently attended the canvass for the votes of the proprietors of East India stock, such as would not have occurred in the canvass of a constituency for Parliament.

1243. What are those circumstances?—I am speaking from what I have heard.

1244. Do you know, of your own knowledge, anything humiliating in soliciting the support of the proprietors of East India stock, beyond that which attends the soliciting of votes under the Parliamentary franchise?—There is nothing humiliating in soliciting the votes; but there may be much that is humiliating in the bargain that you may be asked to enter into before you obtain the promise of a vote.

1245. If persons are disposed to act dishonourably, they may act dishonourably in the one canvass as well as in the other?—No doubt they may.

1246. Mr. *Vernon Smith.*] Do you think that the position of a director and of a Member of Parliament are so analogous in the mode of their appointment that they ought to be put upon exactly the same footing?—Certainly not.

1247. Is a Member of Parliament an executive authority?—Not at all.

1248. Is he for life?—That depends upon his constituency.

1249. Are there not many other differences between the two positions, which would make it much more unreasonable that there should exist such a canvass as

you speak of for the one office than for the other?—Certainly, I see no reason why the gentlemen concerned in the administration of an immense empire like India should be elected by canvass at all; nor is it, I conceive, an expedient or a proper arrangement, if it could be avoided, that the persons to be entrusted with the Government of India should be elected by the proprietors of East India stock.

1250. I understand you to propose a partial avoidance of that by the nomination of some of the directors?—That was my proposition.

1251. And you proposed that those who were not so nominated should continue to be elected upon the present system; can you suggest any other mode of election by the proprietors which, in your opinion, would be better than the present mode of canvass?—I conceive that for the next term of 20 years it would be inexpedient to attempt so great an alteration as would deprive the body of the proprietors of the power which they at present exercise, but I think it is a very different thing to deprive them altogether of that power of electing the Directors and merely diminishing that power, in the mode which I suggested, by allowing them to retain the election of a certain portion of the number, whatever may be the future number of the Court of Directors, and leaving the remainder of that number to be nominated by the authority which I suggested, or any other authority.

1252. Can you make any suggestion to the Committee whereby what you call the humiliating portion of the canvass could be avoided?—I am afraid not.

1253. Has the system of proxy added to the humiliation of the canvass?—Only, I imagine, to the extent that it places increased influence in the hands of individuals.

1254. Has it not also added to the trouble attending it by parties being obliged to go some distances to pursue the canvass?—I understand so; but I myself, not having entered into the canvass, am not personally able to reply to the question.

1255. Though you have only heard of those things, can you state whether, from your general knowledge of the service, and particularly from the eminent positions you have filled in that service, men of high station and ability are deterred by the canvass from seeking the direction?—I can only answer for myself; nothing would have been more gratifying and flattering to me on my return from India than to have been nominated to continued employment in the service of India as a director of the East India Company, but from all that I heard of the disagreeable circumstances attending a canvass of the proprietors, I never thought of entering into it; and if I may be allowed to add to the suggestion I have made, if such an alteration were introduced as I have suggested, and those officers whom I have referred to were nominated as directors in consequence of their bringing knowledge and experience from India, I am not prepared to recommend that they should be nominated for life in the way the present directors hold their office for life; but I think it would be sufficient to nominate them to hold the office of director, say for five years, or for some other limited period, simply with a view to give the home authorities all the advantage which they could possibly derive from the experience and knowledge of the most distinguished of their servants in India, continually succeeding one another as temporary directors.

1256. What check would you propose whereby you would compel the Government and the directors to choose the best men of those who returned from India?—It may be reasonably assumed that the Court of Directors ordinarily do select from among their Indian servants the best men for all the high appointments; and that they would continue to select the best men who returned from their service in India; and that they would not be thwarted, but would be aided in making the best selections by the President of the Board of Control.

1257. Would you propose that a candidate for the Direction should have obtained any particular honours in India, or have passed through any particular length of service, or would you leave it entirely to the discretion of the Court of Directors, provided they selected men who had served in India, and who had returned?—The qualification for selection might, I think, easily be defined. The eligibility for the Direction should depend upon having held certain offices in India. Besides the military and civil servants, it perhaps might be useful on some occasions to extend it to the Judges or the Chief Judge of the Supreme Courts, and certainly to the Governors of the subordinate presidencies.

1258. Viscount *Jocelyn.*] With reference to the power of recall of the Governor-general, if I understand you rightly, you stated that the main ground upon which you considered that the power of recalling the Governor-general should not be

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vested in the Court of Directors, was, that it had a tendency to lower the dignity of the Crown?—No, I did not say that.

1259. If I correctly understood you, you said that the Governor-general represented the Crown, and that if that power rested with the Court of Directors it affected the position of the Crown in India?—I did not refer to the position of the Crown in India.

1260. Do you consider that the power which is vested in the Court of Directors of recalling the Governor-general of India is injurious, as affecting the position of the Governor-general representing the Crown in India?—In India, that is to say, among the natives of India, I do not think there has yet grown up any notion of drawing such a distinction between the authority of the Crown and that of the East India Company as would lead to any such interpretation of the exercise of the power as would be injurious to the position of the Crown; the "Company" and the Crown are popularly regarded as identical; but as far as regards the authority and position of the Governor-general himself, it certainly might be injurious to his weight in the country if the matter came to be considered, that he was liable to be removed by the East India Company, without the consent of the Crown.

1261. Do you take into consideration the peculiar position in which the Directors, and the Crown, and the people of India stand one towards the other; if the internal administration of the affairs of India is vested by Parliament in the hands of the East India Company, do you believe that it is possible that the East India Company can carry out the administration of the internal affairs of India if they have not the power of recalling a Governor-general in whom they have not confidence?—Till a recent occurence, it perhaps may be doubted whether there were many persons in India who were even aware of the existence of such a power, and there must have been still fewer who had ever calculated upon the difference of circumstances of the Government of India under the existence of such a power and under the non-existence of it. The Governor-general of India is considered as supreme, representing the authorities in England; and I am not aware that the East India Company would be unable to carry on the administration of India as they now carry it on, if it were generally known that they did not possess the power of recalling the Governor-general.

1262. Would not the effect be this: orders might be issued by the Court of Directors upon some question with reference to the internal administration of India; those orders might be issued to a Governor-general in whom they had no confidence; that Governor-general might refuse to carry out the views of the Court of Directors; and yet the Court of Directors would, if your proposition was carried into effect, not have the power of recalling the party who was entrusted with the government of India, and who refused to carry out their orders?—The Court of Directors have no power to issue any orders of their own, excepting such as the President of the Board of Control has approved; therefore in the case supposed the Governor-general must disobey the Minister of the Crown as well as the Directors, and that Minister is responsible for the consequences.

1263. Supposing orders which had been proposed to be sent out, in accordance with the views of the Court of Directors, had been overruled by the Board of Control, and the Board of Control had substituted other orders, would not in such a case the Court of Directors be in the position of a Government without any power whatever?—As I have understood, such cases are of frequent and continual occurence.

1264. Is not the only power which ultimately rests with the Court of Directors the power of recall?—As I said before, notwithstanding that may be the only means which the Court of Directors possess of evincing their possession of any power, I continue of opinion that such a power is utterly inconsistent with the position of subserviency to the Board of Control in which they have been placed by Parliament in all other respects.

1265. Mr. *Cardwell.*] As the law now stands, in points of great Imperial importance, the supreme power rests with Her Majesty's Government, and in case of a difference between the Government and the East India Company, the power of the Government by law prevails; is not that so?—In matters of Imperial importance, such as are alluded to in the question, the Court of Directors exercises no control whatever, and has no share whatever in their conduct. All such matters are conducted by the Board of Control in conjunction with the Secret Committee of the East India Company, consisting of the chairman and the deputy-chairman,

and

and the senior director; and they, without the knowledge of any other member of the Court of Directors, correspond upon such subjects of Imperial importance with the Governor-general of India, and with such other authorities as it is necessary to communicate with.

1266. Is it not natural that a person holding the high office of Governor-general of India should become identified with Her Majesty's Government in matters of importance, such as those to which we have just referred?—It appears to me not only expedient, but indispensable, that the person holding the office of Governor-general of India should possess the fullest confidence of Her Majesty's Ministers; and therefore I consider that the supercession of a Governor-general appointed by one Ministry by the Ministry which succeeded, as in the case of Lord Heytesbury, superseded by Lord Auckland, was a necessary and expedient measure; and under such circumstances I consider that it is the Crown, or the Prime Minister of the Crown, rather than the Court of Directors, who ought to possess the power of recalling the Governor-general.

1267. Do you, in short, consider that the recall of the Governor-general by the Court of Directors might, in such cases as those to which we have just referred, be equivalent to a frustration by the East India Company of the policy of the Government?—It might possibly have such an effect, but only for a time.

1268. That is not the inconsistency to which you referred?—Yes, that is part of the inconsistency to which I referred.

1269. Then do I rightly understand you that the inconsistency to which you referred some time ago was this: that whereas the law gives the final power to the Government in cases of difference between the Government and the East India Company, it nevertheless leaves in the East India Company, without the concurrence of the Government, the power of recalling the Governor-general, and thereby practically putting a veto upon the policy of the Government?—Yes; but it can scarcely be imagined that the recall of the Governor-general would alter the policy of the Crown.

1270. Would it not tend to frustrate it?—It might impede it; but as the Court of Directors have no power to issue any orders opposed to the views of the President of the Board of Control, and are obliged by law to issue any orders whatever that he may dictate to them, they cannot prevent the policy of the Crown being carried out in India, whoever may be the individual at the head of the Government in that country.

1271. Was that the inconsistency to which you referred?—I referred to the general inconsistency, which I have endeavoured to explain, of holding the Governor-general, in the most important point of his position, subject to the East India Company alone, so that the East India Company can recall him, without the consent of the other party, to his nomination, viz., the Crown, while in no other important relation between those parties is the East India Company allowed to act independently of a Minister of the Crown.

1272. Mr. *Baillie.*] In answer to a question of Sir James Hogg, you stated, in reference to the Court of Directors having the power of proposing the Governor-general, and the Crown having the power of either accepting or refusing the appointment, that the power was an equal power; do you consider that power to be an equal power?—I did not acknowledge that I considered it an equal power; the expression was used in the question, but I do not think I have adopted it.

1273. You were asked some questions just now respecting the Bombay Marine; is the Bombay Marine one of the covenanted services?—It is; the officers of the Indian Navy, as it is called, have commissions, and therefore their services are covenanted services, in the same way as the military are covenanted.

1274. They rise in the service by gradation, in same way as the officers in the military service rise?—Exactly.

1275. There is a marine force under the Bengal Government, is there not?—There is a small marine force under the Bengal Govermeent.

1276. That is not a covenanted service?—It is not; the officers have not commissions. I should explain that the word "covenanted" applies strictly only to the civil service; we usually call the other commissioned, and the difference that exists beween the Bengal Marine and the Bombay, or as it is properly called, the Indian Navy, consists mainly in the officers of the Indian Navy having commissions, and the officers in the Bengal Marine having no commissions.

1277. Are you aware whether the ships under the Bengal Government are under the articles of war?—No, they are not.

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1278. Steam vessels under the Bengal Government are not subject to the Mutiny Act?—No, they are not, nor are the seamen of the Indian Navy; they have a separate Mutiny Act of their own.

1279. Does the Mutiny Act, which applies to the Bombay Navy, apply also to the Bengal?—No, it does not.

1280. Then in point of fact, the Bengal steam-ships are not properly ships of war, though they are armed as such?—They are ships of war actually, and they have been more engaged in hostilities than the Indian navy of late years. They have been employed most successfully and most usefully in the China war. They have been constantly employed in the Eastern Archipelago, in operations against the pirates; and if I may be allowed to say so, I think it has been a great hardship upon the officers and men of those ships, who have done such exemplary service to their country, that they have been excluded from honorary distinctions, and are not, I believe, admitted to share prize money, and simply in consequence of their not being commissioned; whereas, if vessels of the same class and description had been engaged in the same operations from the Bombay side, they would have shared equally with Her Majesty's ships in prize money, and their officers would have been eligible for distinction equally with Her Majesty's Navy.

1281. Mr. *Mangles.*] I wish to put a question with reference to the power of the Court of Directors of recalling the Governor-general. How do you suppose the relation of master and servant, of employer and employed, is to be maintained, unless there be some *ultima ratio* in the hands of the employing party; some such *ultima ratio* as that of recall in case of disobedience?—If the Governor-general of India were actually the servant of the East India Company alone, and subject to no orders from any other authority but that of the East India Company, I might admit that the relation between master and servant might be carried out in the case of the East India Company and himself; but when it is evident and notorious that he is the servant of the Crown, and that in many most important branches of his duties as Governor-general he receives his orders and instructions, not from the Court of Directors, but from an authority entirely distinct from the Court of Directors, and from an authority which posseses a continual control over all the acts of the Court of Directors, it is hardly possible to maintain the proposition that the ordinary relations of master and servant are applicable to the case which I have been desired to express an opinion upon.

1282. Mr. *Plowden.*] Are you not aware that the Governor-general takes an oath when he assumes the office of Governor-general, that he will be true and faithful to the East India Company?—Yes, I am aware of that.

Veneris, 21° *die Maii*, 1852.

MEMBERS PRESENT:

Mr. Baring.	Mr. Hardinge.
Mr. Herries.	Viscount Mahon.
Mr. Baillie.	Sir James Hogg.
Mr. Mangles.	Mr. Hume.
Sir R. H. Inglis.	Mr. Labouchere.
Viscount Jocelyn.	Sir James Graham.
Sir Edward Colebrooke.	Mr. M. Gibson.
Mr. Hildyard.	Mr. Vernon Smith.
Mr. Bankes.	Sir Charles Wood.
Mr. Keogh.	

THOMAS BARING, Esq., IN THE CHAIR.

Sir *Thomas Herbert Maddock*, called in; and further Examined.

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1283. Viscount *Mahon.*] YOU have stated some objections with respect to the power of recalling the Governor-general being vested in the Court of Directors; has it ever occurred to you how far that objection might be diminished in the event of Parliament desiring to continue that power, by making it conditional that a certain proportion of the Court of Directors, say four-fifths, should concur in that recall?—I should still object to the principle, as establishing

ing a system of antagonism between the authority of the Court of Directors and that of the Ministers of the Crown, which might terminate in an apparent victory of the one party over the other.

1284. Sir *J. Hogg.*] Is not the whole system of the home Government of India one of mutual check between the East India Company and the Crown acting by its Minister?—I should have rather defined it that the check was not mutual; that whatever substantive power exists in the Court of Directors is all subject to the control of the Minister of the Crown.

1285. You do not consider the home Government of India to be one system of check and counter-check between the Court of Directors and the Minister?—I do not understand how the home Government is checked in any of its functions by the authority of the Court of Directors, except in this very instance of the power of recalling the Governor-general by the Court of Directors, without the concurrence and sanction of the Minister of the Crown.

1286. Will you tell me any appointment in India, except the Judges of the Supreme Court and the Bishops, which the Crown can make without the assent of the East India Company?—The patronage of all the appointments in India, with those exceptions, is vested in the East India Company; but I do not perceive that the possession of that patronage acts as a check upon the Government, excepting as far as relates to the exercise of the patronage itself.

1287. The question now is on the appointments and the power of recall, and not on the general administration of affairs; and I am correct in saying, that there is no office, high or low, in India, to which the Crown can appoint without the assent of the East India Company, except those that I have named?—Yes; but the very circumstance of all those appointments being made exclusively by the East India Company, and the appointment of the Governor-general not being made exclusively by the East India Company, seems itself to establish a broad distinction in the matter of recall.

1288. But you are in error in stating that the appointments are made exclusively by the East India Company; the great appointments of Governor-general, and Governor, and Legislative Member of Council, are all made by the East India Company, subject to the approbation of the Crown?—I meant excepting the cases to be excepted.

1289. And that necessity of the sanction of the Court of Directors, as well as of the Crown, through the Minister, does not strike you as a system of mutual check?—As far as regards those appointments, it may be considered that there is a mutual check, although, as I said before, it bears no analogy to the nature of the check which is involved in the independent power in the Court of Directors of recalling the Governor-general.

1290. Mr. *Herries.*] In political matters is there any check on the part of the East India Company upon the directions that the President of the Board of Control may give to the Governor-general: I mean by the expression "political matters," matters of war and peace, and all those matters which go through the Secret Committee?—The East India Company, I believe, are precluded from exercising any primary and original interference in any matters of that nature; all proceedings of a great political nature, involving peace and war, may be said to be under the immediate direction of the Minister of the Crown acting in communication with the chief authority in India, through the Secret Committee of the East India Company, which so far acts entirely independently of the Directors of the East India Company.

1291. The Governor-general is the authority by whom those orders from the home Government are executed?—The Governor-general in Council is the authority addressed on all matters of diplomacy, and peace and war, by the Secret Committee acting, as I understand, as the organ of the Minister of the Crown.

1292. In the execution of such measures the Governor-general is, therefore, practically the servant of the Government at home, although technically he is the servant of the East India Company?—In all matters, I conceive, wherein the Governor-general receives his directions immediately from the Crown through the Secret Committee, he must be regarded as in the immediate service of the Crown, and that in such circumstances the authority of the Court of Directors, as a body, over him is entirely in abeyance.

1293. The Court of Directors does not question the exercise of the functions of the Governor-general in fulfilment of orders from the Minister of the Crown through the Secret Committee in political matters?—The Court of Directors as

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a body is, I believe, kept in a state of as complete ignorance regarding the correspondence on important measures that takes place between the Governor-general of India and the Secret Committee, as the proprietors of East India Stock, or the public at large, until after the termination of any political negociations, or of warlike operations, the Secret Committee may think proper to lay before the East India Company the details of past transactions.

1294. Is the Secret Committee responsible for political acts in the case of peace and war and diplomacy executed by the Governor-general?—Constitutionally I should have considered that the Secret Committee was responsible; but from the description of the power and authority vested in and exercised by the President of the Board of Control, as explained by Lord Broughton in his seat in Parliament, I conceive that the responsibility of such transactions must rest almost exclusively with the President of the Board of Control.

1295. The Secret Committee is bound to transmit all orders on the subjects to which its functions are applicable without exercising any control?—The Court of Directors is by law bound to transmit to India any orders of any description which they may receive for the purpose from the President of the Board of Control: I am not certain whether there is any provision in the Act rendering it compulsory for the members of the Secret Committee to do the same. I have always understood that the despatches which are received by the Governor-general of India from the Secret Committee do actually emanate from the President of the Board of Control alone.

1296. It would follow from that, that the Secret Committee is not responsible for the orders so issued?—Yes; and so I myself conclude, from the explanation which was lately given by Lord Broughton upon the subject.

1297. Mr. *Hume.*] You say that the Secret Committee is not responsible for the orders; do you mean that they are not responsible for expenses incurred in consequence of those orders, or that they are not responsible for the giving of the orders?—I replied to the question as it was put to me, with reference to general responsibility for the orders issued.

1298. In speaking of that responsibility, do you refer to the expenses to be incurred in consequence of the orders given, or do you mean simply that orders might be given without reference to the consequences resulting from them?—I understand that the Governor-general of India is bound to obey any orders which he may receive from the Secret Committee, without reference to the Committee's responsibility for the issue of those orders.

1299. Supposing the Governor-general to refuse acquiescence to any orders sent out in that manner, do you consider that his recall should rest with the Board of Control alone, or with the Court of Directors, if they were made acquainted with such refusal?—The President of the Board of Control, acting under the orders of the First Minister of the Crown, possesses undoubtedly, under any circumstances, the power to recall the Governor-general, and under the circumstances supposed, I should presume that there would be no doubt of the Minister of the Crown and the Court of Directors acting in union.

1300. But supposing that they did not act in union, and supposing the policy of the Governor-general were such as, in the opinion of the Court of Directors, would waste the resources of India, and the Board of Control did not concur in a recall, do you consider it right that the Court of Directors, who are responsible to the proprietors for the good administration of India, should be precluded from exercising the power of recalling such a Governor-general?—I have already stated my opinion very decidedly upon the anomaly and inconsistency of the existence of any such power in the Court of Directors.

1301. You were asked how far you approved of the Governor-general leaving the Presidency of Bengal, and acting without his Council, on matters of great importance to India, and you gave your opinion that he should in all such cases be accompanied by the Members of Council; am I correct in that?—Yes.

1302. Did you not also state that gentlemen could not be appointed members of Council till they had been employed from 20 or 25 years in the service, and, consequently, that they were well acquainted with the administration of the Government in India, and were capable of giving advice to the Governor-general; was not that the reason assigned by you?—It was to be inferred from my answer that I considered the assistance of the members of Council, advisable, in consequence of their knowledge and experience, and ability to advise and assist the Governor-general.

1303. Do

1303. Do you not consider that the Court of Directors being responsible for the administration and the revenues of India, under the check of the Board of Control, it is important that they should have the power of recalling a Governor-general who acts in their opinion in a manner injurious to India and the finances of the country?—I have already stated my opinion as to the inconsistency of the existence of any such power.

1304. Admitting the apparent inconsistency, what is your opinion of the propriety of taking away that power?—I should certainly omit in any future Act of Parliament the conferring of an independent power of recall of a Governor-general upon the Court of Directors.

1305. Supposing a President of the Board of Control to be appointed who was very little acquainted with the affairs of India, and a Governor-general to be appointed who was equally little acquainted with them, do you consider that those two individuals should be allowed to conduct the affairs of India contrary to the opinions of the Court of Directors, and without any power in the Court of Directors to check the evils which might arise from their ignorance or misgovernment?—I cannot see what means are possessed of escaping from the evil consequences of such an extraordinary state of affairs but by the dissolution of the Ministry by whom such officers were nominated and maintained in power.

1306. Have you not seen an instance in which, in accordance with the opinion of the Court, I believe unanimously expressed, the Governor-general has been recalled, and yet no dissolution of the Government, or any very serious consequences of that kind, have resulted; and was not that a means of escape from the anomaly you have stated?—That is the very example of the anomaly to which I have alluded.

1307. Do you consider that, as regards the Governor-general and the President of the Board of Control, both comparatively unacquainted with the affairs of India, it would be much better that they should be allowed to remain, and that there should be no such remedy as was exercised on a late occasion by the Court of Directors?—I have objected, not to the exercise of that power in any particular instance, but I have objected to its existence as inconsistent in my opinion with the relative position of the Court of Directors and the Imperial Government, and as inconsistent with the actual working of the controlling system of the Government of India by the joint authority of the Crown and the Court of Directors in England, under which a control of all the proceedings of the Court of Directors is constantly and almost invariably exercised by the President of the Board of Control.

1308. Then am I to understand you that, whilst you would give the Governor-general of India the benefit of experienced men, servants of the Company, to enable him to exercise his power usefully, you would have no check or control over an ignorant President of the Board of Control and an ignorant Governor-general?—In reply to that question I may say, that when I contemplated the expediency of the Governor-general of India being alway sassisted by experienced and distinguished servants of the Government of India as councillors, I did not contemplate that those councillors should have the power of cashiering the Governor-general if they saw him pursuing a course such as is alluded to in the question.

1309. In case a Governor-general should reject the advice of those members of Council, and persevere in a system ruinous in the opinion of those councillors, and ruinous in the opinion of the Court of Directors to the Government of India, do you consider that there ought to be no power on the part of the Court of Directors, on behalf of the East India Company, to check those proceedings?—Under such circumstances as are imagined in the question, it is to be borne in mind that the objections to any measure or proceedings of the Governor-general which may be felt by the members of Council, are recorded in written minutes, and are constantly transmitted for the information of the Court of Directors and the Board of Control, and that the Governor-general has an opportunity of replying to all such objections, and of justifying in writing his adherence to the measures objected to. The law has already provided the course which is to be pursued under such circumstances, and it is sufficient, in my opinion, for the purpose. It is left to the authorities of the Crown and the East India Company together to notice, in such a manner as they deem expedient, their approval of

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or their displeasure with the conduct of the Governor-general, and, if necessary, to recall him from his post.

1310. Assuming the position which you have stated, that the councillors in India express their dissent of the policy and conduct of the Governor-general, and that those dissents of opinion come home accompanied by an explanation on the part of the Governor-general, if that explanation should not appear to the Court of Directors at all satisfactory, and they concur in opinion with their councillors that the proceedings of the Governor-general are dangerous and improper, and ought to be corrected, in that case would you withdraw from the Court of Directors, who are, on behalf of the proprietors by law to protect the revenue and the Government of India, any power, supposing the President of the Board of Control did not choose to concur, of recalling the Governor-general? —The First Minister of the Crown, and the President of the Board of Control, are at least as responsible as the Court of Directors of the East Inda Company, for the maintenance of our empire in India, and for the general good government of that country, and therefore, wherever there may be a difference of opinion upon a point so important as the continuance in India, or the recall of any particular Governor-general, I consider it most wise and expedient that the responsibility should rest with the First Minister of the Crown and with the President of the Board of Control, rather than with the Directors of the East India Company.

1311. Are you not aware that by law the Court of Directors have special care over the property of the Court of Proprietors, whilst the Prime Minister has nothing whatever to do with the stock, or with the proprietors of East India stock?—I have always considered that the property of proprietors of East India stock is a very different thing from the empire of India, and that what the law may have laid down in relation to the one, cannot necessarily be considered applicable to the other.

1312. Are you not aware that the dividends of the proprietors cannot be paid unless from the revenues of India; and if the revenue shall all be squandered by any Governor-general, where is the remedy under the system that you would recommend?—I cannot pretend to devise expedients for such an improbable, if not impossible, state of affairs as the resources of India being unable to pay the dividends of the proprietors of East India stock.

1313. Mr. *Mangles.*] In your previous examination you stated in your last answer that you were "aware that the Governor-general took an oath when he assumed the office of Governor-general that he would be true and faithful to the East India Company;" are you aware of the tenor of that oath?—I do not recollect the words of the oath.

1314. Are you aware that it is one and the same oath which is taken by the humblest servants of the Company. Is it not in these terms that they "will be true and faithful to the said Company, and will faithfully and truly exercise the office of Governor-general to the utmost of my skill and power." How do you reconcile the fact of the Governor-general taking that oath with the opinion you expressed, that it is "hardly possible to maintain the propositions that the ordinary relations of master and servant are applicable to the case which I have been desired to express an opinion upon"?—Whatever degree of such relation may exist between the Governor-general of India and the Court of Directors, must exist, at least, in as great a degree between the Governor-general of India and the Crown which he serves, and therefore I do not perceive what argument can be deduced from his holding that position and taking that oath with reference to the question which I was desired to answer.

1315. And yet he is not a servant of the Crown?—I certainly consider him to be a servant of the Crown.

1316. Is he under any oath or obligation of fidelity to the Crown; is he not the servant of the Crown simply as being the servant of the East India Company, who are the administrators of India for the Crown?—He receives all his most important orders and instructions from the Minister of the Crown, through, not the Court of Directors, but through three members of the Court of Directors, acting entirely independently of the Court of Directors, and bound by an oath of secrecy not to communicate their proceedings as a Secret Committee to the Court of Directors, or any body else.

1317. You state that the Governor-general receives all his most important orders and instructions from the Minister of the Crown; do you conceive that the

the orders coming through the Secret Committee, except in extreme cases of importance, involving peace and war, are the most important orders and instructions that the Governor-general receives?—I merely used the term "the most important orders" because they relate to all those great and extraordinary occurrences which are of more importance at the time than any other matters which are the subject of correspondence between the Indian authorities and the Home Government.

1318. Does not the Governor-general receive from the Court of Directors direct his instructions upon all matters of finance, upon all matters of revenue, upon all matters of judicial administration, and upon the whole internal economy of the government of the country?—He does; but all of those instructions are controlled by the Board of Control, and, it may be, dictated by the Board of Control.

1319. Is it not imaginable, and to be hoped for, that in years to come we may have a long period of peace in India, during which there will be hardly any matters of importance upon which instructions will be sent to the Governor-general through the Secret Committee, but the whole of his orders and instructions will relate most happily to the internal administration of the Government of India?—Should such a state of universal peace fortunately occur, and be long maintained, so that there would be rare occurrences for communication between the Home Government and the Indian authorities upon matters of peace and war, and the correspondence should be exclusively confined to forwarding measures for the benefit and the better government of India, still, as I read the law, and as I understand the practice as it now exists, the President of the Board of Control may issue every order in every department that is issued from the Court of Directors to the Governments in India.

1320. How do you think it possible that the Court of Directors can maintain their authority over a functionary who takes an oath of fidelity and obedience to them, unless they have in their hands the power of enforcing obedience, and of enforcing fidelity by recalling him, if he disobeys their instructions; how is it possible that the relation of master and servant can be maintained unless the master has the power of discharging the servant?—If what I have stated is the actual position of affairs, and describes the real manner in which transactions between the Court of Directors and the Board of Control are conducted, it is evident that whatever the show of authority and power there may be in the Court of Directors, in whose name the orders issued to the authorities of India do issue, the real master of the Governor-general is rather the President of the Board of Control than the Directors of the East India Company.

1321. *Chairman.*] Are you prepared to give an opinion as to the necessity or expediency of continuing the Legislative Member of Council for the Government of India?—I think, under any system which may be adopted for the future legislation of India, it will be expedient that there should be some member of the legislative body conversant with the laws of England; whether there should not also be some members of the legislative body conversant with the laws and regulations of the different Presidencies of India will depend upon the future constitution of the Legislative and Administrative Council. But in the working of the present system of Legislature in India, I conceive that there are some points well deserving of the attention of Parliament, and which require to be altered and amended. Previously to the passing of the last Charter Act, the Governor-general, who was also Governor of Bengal, and the Governor of the Presidencies of Madras and Bombay, each possessed by law the power of making laws, then called Regulations, and there existed then by law an appeal against any such regulations either on the part of persons in India, or of persons in England, to his Majesty, his heirs, or successors in Council, who were empowered, if they thought fit, to set aside or repeal any such rules, ordinances and regulations respectively. By the last Charter Act the legislative powers, which were conferred upon the Governor-general of India in Council, were limited only to the preservation of the prerogatives of the Crown and of the authority of Parliament, and in other respects they were rendered absolute and final, with the exception of a provision for disallowance on the part of the Directors of the East India Company; that is provided for in section 44 of the last Act. It has lately happened in India that an Act has been passed which has given great offence to a large body of the inhabitants of India, particularly Hindoos; the Act is Act 21 of 1850. The complaint of the Hindoos of Madras and Bengal in this

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matter is, that their objections to the passing of this Act 21 of 1850, which they consider to be in opposition to the guarantees and pledges of the Imperial Government given on many occasions to the people of India with respect to the preservation to them of all their religious rites and customs, their objections to the passing of the Act as subversive of their religious customs, had not been attended to or replied to previous to the passing of the Act, and that they have under the present law no appeal whatever against that Act; that by the present Charter Act the only appeal is to the Court of Directors of the East India Company who have the power to disallow the Act, but that the Court of Directors not being a judicial body, and not being competent to hear objections judicially in appeal, they are virtually deprived of all appeal from those legislative proceedings of the Government of India. My own idea upon the subject is, that the Government of India ought not to possess, or at least ought not to exercise, a legislative power affecting very materially the rights and interests and religion and prejudices of the Hindoos of India without some matured means of first ascertaining what the feelings of the people are, and what are their objections, and what is the reasonableness of their objections to any proposed Act of the kind. At present they have no means whatever of objecting to a proposed enactment excepting in the manner which has been adopted on this occasion by the people of Madras and Bengal ineffectually. I should seriously recommend an entire reform of the legislative body of India upon this point. I think, previously to passing any laws upon such delicate and highly important subjects as I have alluded to, those laws should be submitted to some Committee, consisting partly of natives, who should have an opportunity of stating at full their objections, where such objections may exist.

1322. You have not given an answer to the question which I put, which was with reference to the continuance of the present Legislative Member of Council. [*The former question was read*]?—I should say generally, in reply to that question, that I would suggest some new regulations for the constitution, and the power, and proceedings of the legislature of India. I would add, that if the present system is to be maintained, I consider it expedient that the legislative body in India should have the advantage of a person acting in the capacity of the present fourth ordinary member of Council.

1323. Mr. *Herries.*] By the present legislative body you mean the Council of the Governor-general?—The Governor-general in Council is now the only legislative body in India, and I mean to refer to that body.

1324. You think that the legislative body should continue to be assisted by a member of Council specially appointed for that purpose?—Yes, if the present system is to be maintained; but I myself should venture to suggest an alteration in the present system.

1325. Viscount *Mahon.*] In answer to a question which was put to you at the last meeting of the Committee, you expressed a favourable opinion with regard to the education of the civil servants of the East India Company; when they come out to India, how far have you found them skilled in the native languages?—They attain generally in England a very slight acquaintance with the languages of India, not such as enables them immediately upon their arrival in India either to hold converse with the natives of the country, or makes them competent to discharge the administrative functions which will subsequently devolve upon them.

1326. It has been suggested by a former witness before this Committee, that the knowledge of the native languages acquired at Haileybury, which you describe as slight, should be rendered slighter still; that is, that the system at Haileybury should not proceed as far as it does at present in the acquirement of the native languages, and that that knowledge should rather be acquired in India itself; should you concur in that suggestion?—I think not; I do not know to what extent that proposal goes; perhaps the great attention which is bestowed upon a knowledge of Sanscrit in Haileybury College might, in some degree, be modified. But I can see no advantage which would result from relieving the young men educated there from learning the rudiments of the native languages, because it affords to those of them, who have talent for the acquisition of languages, an opportunity of acquiring a very great proficiency before they leave Haileybury; though, as I said before, the general attainments may be regarded as very slight.

1327. The question was rather, whether the knowledge of the native languages might

might to a greater degree than at present be reserved for acquirement in India itself?—With the exception that I have made relative to the study of Sanscrit, I am not aware that much time is wasted in Haileybury in the study of the native languages, so much time as to render it necessary to change the system. Sir *T. H. Maddock*. 21 May 1852.

1328. Mr. *Hardinge.*] With reference to the system of patronage in the Presidency of Bengal, can you recommend any change in the system?—If my suggestions should happen to be followed in the creation of a separate office for the Government of Bengal, the Governor of Bengal, of course, would exercise the patronage there in the same manner as the patronage of the other Presidencies is exercised by those Governors.

1329. But the Governor of the North-western Provinces does not exercise the patronage at that Presidency entirely?—With little exception, I believe, he does, that exception being the appointments to the officers of Judge of the Sudder Dewanny Adawlut, and members of the Sudder Board of Revenue.

1330. Did not Lord Ellenborough have great points submitted to him for sanction from the North-western Provinces?—Never, I believe.

1331. Then that is not the system?—Not that I am aware of.

1332. Sir *R. H. Inglis.*] With reference to answer 1153, in which you enumerate your services in India, will you be good enough to state, for the information of the Committee, who was the Governor-general of India with whom you served as a member of Council, and as Deputy-governor of Bengal, and as President of the Council?—I was a member of Council part of the time during which Lord Ellenborough was Governor, and I was Deputy-governor of Bengal and President of the Council while Lord Hardinge and Lord Dalhousie were Governors-general.

Sir *George Russell Clerk*, K.C.B., called in; and Examined.

1333. *Chairman.*] WILL you state to the Committee the length of time that you served in India?—I have served in India 26 years. Sir *G. R. Clerk*, K. C. B.

1334. What are the principal offices you have filled?—I was Assistant to the Judge and Magistrate at Kishengurh, to the Secretary in the Secret and Political Department, to the Resident at Nagpore and at Delhi, Officiating Political Agent in the Rajpoot States, Assistant at Ajmere, Political Agent in the protected Sikh States, Envoy at Lahore, Lieutenant-governor of the North-western Provinces, and Governor of Bombay.

1335. Have you had many opportunities of judging of the mode of government of the North-western Provinces?—I was there a short time; but I had opportunities of judging of the administration of those provinces.

1336. Will you state to the Committee your opinion of the administration as at present exercised?—As far as I know at the present time (it is some years now since I left India, but I speak from what I have heard) the government is very efficiently administered, and it ought to be so, for it is more amply provided with good working machinery than any other government I have ever known in India.

1337. To what do you attribute that?—The territory is smaller, and the establishments are greater, in the revenue department. First, there is the Lieutenant-governor, with no political control of any importance to distract his attention. Then there is the Board of Revenue, composed of the first men in that department. There are also Commissioners of Revenue, and Collectors of Revenue, and Deputy-collectors, and professional survey officers. That is a very complete system, under which, of course, a proper settlement of land ought to have been made, and, I believe, has been made.

1338. You were Governor of Bombay. Can you state to the Committee the difference in the mode of administration in those two Presidencies?—In Bombay there is no Board of Revenue; there are only two Commissioners, and the system of land settlements is, I consider, wrong, being that called "ryutwarree."

1339. The Lieutenant-governor of the North-western Provinces has no Council, and the Governor of Bombay has a Council?—Yes.

1340. Would you remove the Council from the Governor of Bombay?—Decidedly not.

1341. Will you state your reason why you would not do so?—With a Government, such as Bombay is, and which is very different from the Lieutenant-

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Governorship of the North-western Provinces, the existence of a Council is the only means that I can conceive of placing everything in the fullest manner before the authorities at home. The motives that may induce the Government to adopt any particular measure can only be in that manner adequately set forth to distant authorities so removed from India as the authorities here are.

1342. Will you explain with what authority the Lieutenant-Governor of the North-western Provinces communicates, and from whom he receives his instructions?—He communicates with the Governor-general of India, and receives his instructions from him.

1343. Not from the Court of Directors?—Not in my time. I can only answer with reference to that period on this point.

1344. From whom does the Governor of Bombay receive his instructions?—From the Court of Directors, and also from the supreme Government in India, whenever the Governor-general in Council pleases to exercise his authority over him in any matter.

1345. Would you think it desirable to change that system as regards Bombay, and assimilate it to the system in the North-western Provinces. As I understand your answer, the Lieutenant-governor of the North-western Provinces receives all his instructions from the Governor-general in Council. Would you apply that system to Bombay also?—No; I think that Government ought to remain on its present footing, the Governor receiving his orders generally from England.

1346. Will you state why you entertain that opinion?—Being on the western side, and lying over towards Europe, it is essential that it should communicate direct with England on subjects on which it is requisite to obtain orders from England, which could not be thence obtained through the Government of India without considerable additional delay arising from the adoption of the circuitous route. It is less remote from England than the other Governments.

1347. Will you state why, if you think a Council is of advantage at Bombay, you would not introduce it into the North-western Provinces?—The Lieutenant-governor has all the advantage of instructions comparatively near at hand from the Governor-general in Council.

1348. Is there any great difference in the duties charged by the Lieutenant-governor of the North-western Provinces and by the Governors who are occasionally appointed to Bombay?—There is a very great difference in this respect. The Governors of the other Presidencies have imposed upon them a more anxious task; they have the responsibility of carrying on important political relations, such as, in India, require the utmost vigilance at all times, and which, of course, must divert their attention frequently from matters of internal administration; besides military, maritime, and various other duties connected with a Presidency. On the contrary, the Lieutenant-governor of the North-western Provinces can apply his whole attention to the internal civil administration of his territory, which in its extent is about a moiety of any other Presidency in India.

1349. That is why you consider a Council valuable in Bombay, but of no use in the North-western Provinces?—Exactly; but in saying that, I presume that the proceedings of the Lieutenant-governor of the North-western Provinces are laid fully before the home authorities, through the Governor-general in Council.

1350. To what extent is the Government of Bombay dependent upon the authority of the Governor-general in Council as regards its expenditure?—It is entirely dependent upon the Governor-general in Council as regards its expenditure, with the exception of authority to expend to the amount of 5,000 rupees or 500*l.* on any one work.

1351. Did you in your experience find that restriction injurious to the Government of Bombay?—I should have been glad to have spent more money on public works, but, seeing that the Government of Bombay does not pay its own expenses, I felt a great aversion to ask it of the Governor-general.

1352. Would you suggest any change in that respect?—I think if the time should ever arrive when the Government of Bombay made their income exceed their expenditure, it might be advisable to increase that discretion of spending money to a greater limit; but I would always vest authority in the Governor-general in Council to check it.

1353. Therefore at present you would not recommend any change?—I think not.

1354. Have you experienced any injury from the slowness of the communi-

cation

cation with the Court of Directors arising from the double branches of the government here?—No; I do not call to mind any instance of the public interest suffering from that cause; I think, on the other hand, the public interests are sometimes subjected to unnecessary delay, arising out of the speedy communication with England; I think it tends to make men who are vested with high responsibilities, and who ought to take the responsibility on their own shoulders, refer many matters to England which they ought to put out of hand themselves.

1355. Do you think the voluminous description of the correspondence with the Home Government necessary or advantageous?—I think it is necessary.

1356. Will you state your reason for entertaining that opinion?—It enables parties who are responsible in England for any share of the administration of India to have before them fully every case in all its bearings as discussed and reported upon in India.

1357. Do you consider that those complete reports, and those constant records, are a check against abuse of power on the part of the functionaries in India?—I think so; I have no doubt of the propriety of sending home the most ample records.

1358. You stated that you considered the Government of the North-western Provinces superior in many respects to the other Governments. Would you suggest any change in the system of Government at Bombay?—Any suggestion I might make with regard to that would go to the extent of revising the land-revenue settlement.

1359. But as regards the general administration and powers of Government, the existence of the Council, or the organization of the Government of Bombay, would you suggest any change?—I would suggest no change in those respects.

1360. Would you think it desirable that a member of the civil service of Bombay should be one of the members of the Governor-general's Council?—I think it is unnecessary, because a servant of the Company selected as a member of the Supreme Council ought to be qualified to judge of all questions relating to all the Presidencies, or he is very unfit to take a seat in the Supreme Council; therefore I cannot see what would be gained by having a Bombay member selected as an additional member of the Supreme Council. I believe it is open to the Government to select a Bombay man for the Council as at present constituted.

1361. Do you think the number of members of Council of Bombay could be diminished without disadvantage?—I do not, because it appears to me that that would reduce the Council, in the absence of the Commander-in-chief on duty, to the Governor and one councillor; and if that councillor was ill for a short time the Governor would sit by himself.

1362. What is your opinion of the efficiency of the civil service of India?—I think they are as efficient a body of civilians as you will find in any country: they are men of great zeal in the discharge of their duties, and of very high integrity

1363. Do you think the education which they have in this country the best caclulated to make them efficient servants in India?—I think it is, as far as it goes. I think it is an advantage that their minds are very early directed to the service into which they are to enter. They are trained first as mere youths in this country, at the most important period of their life, and the education is such, or ought to be such, there being a college for the purpose, as should best adapt them for the discharge of their duties.

1364. What is your opinion of the pay of the public servants; are they sufficiently paid, or not sufficiently paid, or over paid?—I think that those in the very lowest grade are sufficiently paid, and also those in the very highest; but, with regard to the best working men, of 12, or 15 years' experience, I should say that they are rather under paid; in fact, I do not think their pay now is at the rate formerly contemplated by the charter; it certainly was not in Bengal, when I was a few years ago there.

1365. Will you explain what you mean by that answer?—I mean that their salaries are lower than was contemplated. After 15 years' service, I should say that on an average they are now receiving from 1,200 *l.* to 1,500 *l.* a-year; and, if I am not mistaken, that is rather a lower scale than it was formerly contemplated they should receive. I think in the higher branches the pay is ample, and in the very highest the same.

1366. Do you consider that it would be desirable to continue the Governor and the Members of Council longer than is the usual period, namely, five years?

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years?—With regard to the Governors, I believe they can be by law continued, and they are so sometimes; but I think it would very rarely be the case that a Governor was fit to stay for a longer time, owing to the work he has, and the harassing nature of his duties; the Members of Council have not such harassing duties; they could last longer, and I think it would be very beneficial if they were retained in their positions, if they were valuable servants, for a longer time than at present.

1367. Are you aware whether there is a power of continuing them for any period beyond five years?—I am not aware that there is any stated period, except that I know that they are continued from year to year; there is no limit, I believe, by law to the period that they may remain.

1368. Sir *J. Graham.*] Did you state that the Government of Bombay did not pay its whole expenses?—It does not.

1369. The whole receipts of the Government of Bombay are less than the whole expenses?—A great deal less.

1370. Do you include under the head of expenses the Bombay marine?—Yes; but, allowing for that, the Bombay Government does not pay its expenses. It is called the Indian Navy, because it is considered to be for the service of all the coasts of India and China, and not belonging exclusively to Bombay. After deducting such portion of the expenses of the Indian Navy as may be fairly chargeable to the Government of India, Madras and China, the Bombay Presidency still does not defray its own expenditure.

1371. In India you have two descriptions of marine?—Yes; the Bombay Marine is now called the Indian Navy, in order that it might not be considered a mere local marine, but be entirely at the service of the Supreme Government.

1372. Independently of the cost of that portion of the Bombay marine which is peculiar to Bombay, the expenses of the Bombay Government are larger than the receipts?—Yes.

1373. Viscount *Jocelyn.*] Is not Scinde included in that?—No, it is not; that would add very heavily to the expense.

1374. Sir *E. Colebrooke.*] Do you think it is necessary that the Governor-general in Council should legislate for Bombay?—Yes, I think so; Bombay has the power of framing its own Acts whenever it thinks advisable.

1375. You think that the control of the Governor-general in Council in regard to legislation is beneficial?—Yes, I do.

1376. Do you think sufficient precautions are now taken in the appointment of persons to the civil service to secure an efficient service?—I cannot conceive any better precautions that could be adopted than those that are now adopted.

1377. Judging from your experience, do you think that the tests now applied in the examination of persons who are appointed to the service, are sufficiently rigid?—I think they are sufficient, considering the age at which the parties go there.

1378. You have not met with many instances, in your experience, of decidedly inefficient persons being members of the service?—I have not.

1379. In the diplomatic service of India, in which you were so long employed, are not military men very largely employed?—Yes.

1380. What proportion do they bear to the others?—I really cannot say with certainty, but I think I might venture to say, that in the political department they were a third, but I may be wrong; I have had myself many military men serving with me, and with great efficiency.

1381. Are they generally appointed very young in the service?—Yes, they are.

1382. In many cases are military men employed, not merely in the diplomatic service, but in the administrative service?—Yes; that is the case in most of the diplomatic situations.

1383. Have they been generally found as efficient as the members of the civil service?—Yes, I should say so; they were such men as I should have chosen for the duties which were to be performed.

1384. You would not confine that service to members of the civil service?—Decidedly not.

1385. Do you think that great advantage is derived from having a larger selection?—Yes.

1386. Do you think that the selection of military men might be extended to other branches of the civil service besides the diplomatic?—In withdrawing officers

officers from a regiment there is the objection of impairing its efficiency; until there is a remedy for that, it is difficult to extend considerably the employment of military men in civil employment.

1387. Mr. *Hume.*] Supposing that objection were met, would you recommend it?—I should say that wherever you found talents best suited to the diplomatic, or any other service, you should select either from the civil or military branches of the service.

1388. Sir *E. Colebrooke.*] According to the present system, the men generally selected are officers above the average abilities?—Certainly; I think, as far as my experience goes, they have been admirably selected, and the system has worked well.

1389. Mr. *Hume.*] Is the selection of military officers made from those who are well versed in the native languages?—Yes, as far as my experience goes, it is.

1390. You consider a knowledge of the native languages essential to enable any officer, either in the diplomatic or the revenue department, to be efficient?—It is indispensable.

1391. In whatever department they are employed, you think they ought to know the language of the district in which they are to serve, both as it is spoken and written?—Yes.

1392. Has a knowledge of the language been the principal ground of selecting young military officers to fill these important offices?—As far as accords with my own observation, it certainly has been the practice of those authorities who have selected them, and I should say that generally elsewhere it has been so, speaking from what I have heard.

1393. Do you consider that it would give a greater scope to the choice which you have now stated to have been made largely, if a provision was made by which vacancies of officers drafted from the corps could be filled up by any staff officers, on such a plan as I believe Lord Hastings and some others have adopted; does anything of that kind come within your view as a means of allowing the choice to be larger than it can be at present?—I have never well considered the subject of a staff corps, but whenever referring to it I have seen no way of adopting such means of obtaining from battalions qualified officers for civil duties without those means being additional expense to the State.

1394. You think if any means could be devised it would be desirable to allow greater scope?—Yes, no doubt it would; for you would not be deterred from taking a qualified young officer for the particular service, as you now are, by a fear of crippling his regiment.

1395. You were asked whether any injury or inconvenience had arisen from the delay in the communcations between the Government of Bombay and the Government in England, and you stated that you believed that there was little injury from the delay, but that sometimes there was inconvenience from too hasty decisions; will you explain what you mean?—You misunderstood what I said; what I meant to say was, that the approximation of India to this country by steam induces the functionaries in India to throw upon the authorities in England the responsibility of deciding many more questions of minor importance than there is any occasion for doing. If the communication between India and this country occupied six months, the authorities in India would decide many questions themselves, and decide them quite well without referring them to this country.

1396. And you do not consider there is any occasion for a general reference of every question which is now sent from India to England?—That is my opinion.

1397. Do you consider the practice of entering dissents and recording opinions which has been alluded to in the multifarious papers is of essential importance to give the home authorities information of every passing event, in order that they may, if they think proper, advise, reprove or check the authorities in India?—Yes.

1398. Mr. *Labouchere.*] Does any practical inconvenience arise from the joint control which is exercised by the home authorities and by the Central Government in India, over the Government of Bombay?—I think not; no inconvenience occurs to me.

1399. Is there any classification of subjects which the one or the other disposes of?—I think solely with regard to expenditure.

1400. If the Government of Bombay wished, for instance, for directions upon

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any subject, would they apply to the Central Government in India, or to the home Government, or to both?—That would depend very much upon the Governor of Bombay himself; if he desired to throw the responsibility upon the Governor-general he would communicate with him; but if he was willing to incur the responsibility himself, he would decide it himself.

1401. How is the continuity of directions upon any subject kept up, if one direction may come from one authority and another direction from the other authority, or is any classification made of the subjects upon which the Home Government assumes control, and of the subjects upon which the Governor-general in Council assumes a control?—They have a practice in that respect which is well understood. In political matters the Governor of Bombay should refer to the Governor-general in Council any question arising in the Persian Gulf, as to sending a steam flotilla there; but on an emergency the Governor would not ask any question in the first instance, but would act himself.

1402. If you wished for authority to incur expense, would you apply to the Central Government of India?—Yes.

1403. What is the class of questions upon which you would apply to the Home Government?—Generally all local matters regarding the internal administration, revenue, settlements, and police.

1404. But practically no inconvenience is found from those two authorities clashing?—None of any importance.

1405. Sir *J. Graham.*] You say that local questions are those which you refer to the Home Government?—Questions relating to the internal administration of the Presidency.

1406. You said that you thought that many questions of detail were referred, which might have been decided on the spot?—Yes.

1407. Is that the result of your Bombay experience?—Partly.

1408. Where you have thought that questions of local concern might have been well decided on the spot, but they have been referred to the decision of the Home Government, when you have obtained the decision of the Home Government, has it been in concurrence with your opinion, or has it frequently been at variance with it?—Generally speaking, it has been in concurrence with it. I do not recollect any case where it was otherwise; but there may have been such.

1409. Then it has been a loss of time only?—I consider that not with regard to the Bombay Government only, but all the governments in India, more subjects are referred home than need be, solely owing to the circumstance that the answers are received much more rapidly now than they were formerly.

1410. I understood you to say, that you applied that to Bombay, more than to other parts of India, on account of the communication being quicker?—No; I did not mean to apply it to Bombay more than to the other Presidencies.

1411. Mr. *Hume.*] Do we understand you to mean that many points might be decided by the authorities on the spot which are remitted home?—Yes, and which do not require to be sent home before decision.

1412. Whether they shall be remitted home or not must depend upon how far the Governor will take upon himself the responsibility of deciding these questions or not?—Yes.

1413. Sir *J. Graham.*] You think that the boldness of decision of the local governments, with respect to matters of local concern, is diminished by the more easy reference to the home authorities now than some years back?—Yes.

1414. And you do not think that that diminished boldness is conducive to the efficient discharge of public duties in India?—I think it leads to unnecessary reference, and instructions are not issued so promptly to the local officers in a matter which it is determined to refer to England, as would be the case if it were decided at once, and instructions were issued forthwith.

1415. Then there is less dispatch and more fear of responsibility?—I think so.

1416. Mr. *Hume.*] Is it your opinion, that as much as possible the government of India, and all matters relating thereto, should be conducted by the authorities on the spot?—Yes, I think so.

1417. Sir *R. H. Inglis.*] You have stated that a great number of military men have been appointed to civil appointments; will you state whether such appointments do or do not operate as a discouragement to the civil servants whose employment is *pro tanto* diminished?—Not at all; because we could not appoint.

appoint other persons; if we did not fill those situations with military men, we should have nobody to put into them.

1418. The proportion of such appointments is very large in Bombay in which military men have been employed?—No; there are comparatively few political situations in Bombay.

1419. The proportion appears to be twelve to seven?—That includes appointments in Scinde.

1420. Does the same proportion, or a large proportion exist in Bengal?—I should have thought, exclusively of Scinde, that the proportion of civilians was greater; but I alluded to high appointments, and not assistantships; of course, if you included those, that would give a great preponderance to the military.

1421. This system has been adopted from the time of Lord Cornwallis?—Yes.

1422. Some of the most important public services in India in diplomatic and political relations have been discharged, and with eminent success, by military men?—Yes.

1423. Viscount *Jocelyn.*] Do you not consider that any regulation which would prevent the Government from making use of the most efficient men, whether military or civil, in those services would be very injurious to the Government of India?—Decidedly. I do not know how they could carry on the public service in an efficient manner if such a regulation were in force.

1424. How is the patronage of the North-western Provinces exercised by the Deputy-governor?—During the short time that I had the government of the North-western Provinces, the Governor-general left it entirely to me without any distinct understanding. It is not what I should advise with reference to the patronage of the North-western Provinces; I think the Governor-general ought to exercise it. It was a private arrangement between the Governor-general and me; but I do not know how it is now. I should suppose that the Governor-general retained, as he ought to do, the principal part of the patronage.

1425. You think that the Deputy-governor having the patronage is objectionable?—Yes; the entire patronage he ought not to desire to have; the Governor-general would always relinquish to him as much patronage as he should desire or ought to exercise, probably the whole of it; but it should be discretionary with the Governor-general.

1426. When you were Governor of the North-western Provinces, did you have in your hands the political patronage, as well as the patronage in regard to the internal administrations of the country?—Yes, I had, because I had been Envoy at the Court of Lahore among the Sikhs, and therefore the Governor-general wished me to retain the political control; but on my departure it was altered, and indeed at that time there was an understanding that should I leave the government, the political control would revert to the Supreme Government of India; and I suppose it has been there ever since; but I do not know for certain how this may be.

1427. Do not you consider that it is necessary for the efficiency of the service that the Deputy-governor of the North-western Provinces should have that patronage in carrying on the internal administration of the affairs of his government?—All the subordinate appointments should be in his hands.

1428. In reference to what you before stated, you consider that a certain portion of the patronage ought to be left entirely to the Governor-general; you allude to the political patronage?—No. I think that the selection of persons for the Boards and the chief Court of Justice, and as Commissioners, all those officers drawing large salaries, and in fact being the *élite* of the service, each having charge of a province, should rest with the Governor-general in any Lieutenant-governorship.

1429. With reference to the patronage of Bombay during the time you were Governor, how were the appointments made?—By the Governor of Bombay in Council.

1430. What part in the selection does the Governor take?—The Governor proposes to appoint a certain office, civil or military, revenue or political, or whatever else it may be, and a councillor dissents if he thinks fit; in the case of a difference of opinion (which seldom happened to me) I suppose the Governor, if he were sure of his man, would take the responsibility upon himself of appointing him; but, generally speaking, those differences would be adjusted by the

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Governor and his councillors in the council-room, I should think; I have not had much experience of that.

1431. You see no inconvenience in the Governor making the appointments in Council?—No; it is a useful check upon him.

1432. Sir *E. Colebrooke.*] Are natives of India employed in the Bombay Presidency to the same extent as in the North-western Provinces, and in Bengal?—Yes, they are employed in the judicial department.

1433. And in the revenue?—Yes.

1434. And they receive as high scales of salary?—About the same.

1435. Have they any retiring allowance?—Yes.

1436. Can you state generally what are the highest allowances in point of emolument to which they can rise?—About 700 *l.* a year.

1437. That is in judicial situations?—Yes.

1438. In revenue situations how much do they receive?—The same in the highest of their revenue appointments.

1439. Are those Deputy-collectors?—Yes. In the next grade are Mamlutdars, or Tehseeldars.

1440. Are they employed in any magisterial duty?—Yes; but they have no criminal jurisdiction, as they have in Bengal.

1441. Do you think the native uncovenanted service is sufficiently remunerated at present?—I think not; I think they should rise to a higher scale of remuneration.

1432. Practically they must have constant power and influence in their present situations?—Yes.

1443. Do you think injury to the public service arises from the present inferior amount of remuneration?—No injury arises to the public service, inasmuch as there is a good deal of zeal in the services of those individuals, in the hope that they will be treated better, and that they will rise to higher offices. That hope is constantly before them, and it is the hope that they have that they will be admitted to the higher grades which encourages them.

1444. Do you think that any steps might be taken with a view to place them in situations of higher responsibility?—Yes, I think they might be admitted to higher appointments than they have ever yet filled.

1445. In what departments?—In the revenue and magisterial departments.

1446. Not in the judicial?—They have ample judicial powers at present.

1447. Speaking from your experience, are those powers, in your opinion, ably discharged?—Very much so.

1448. You heard when you were in India general testimony borne to the efficient discharge of those duties?—Yes; they are capable of performing the duty, and I think they discharge their judicial functions with great ability and with great independence.

1449. In that answer, what other part of India do you allude to besides Bombay?—To the North-western Provinces and Bengal.

1450. Mr. *Hume.*] Is there any regulation published at each of the Presidencies for the uncovenanted servants as to promotion and succession?—No, I think not.

1451. Is it left, then, to the pleasure of the Government for the time as to the hopes of remuneration and of rising in the service?—Yes.

1452. Sir *E. Colebrooke.*] Are any measures taken in Bombay towards the training of persons for the uncovenanted service?—They enter young into the subordinate departments of the office, and work their way up generally if they are well conducted; that is the best training they can have.

1453. Are the judicial offices filled by those who have held inferior situations?—Yes, I suppose in every case.

1454. Sir *Jas. Hogg.*] When you were in Bombay, you stated that natives were not employed in criminal magisterial duties; do you happen to have heard that recently a large class of deputy magistrates have been appointed in Bombay?—No, I am not aware of it.

1455. I believe there is very little analogy as regards the machinery of the Government, and perhaps the distribution of the patronage between the Government of the North-western Provinces and that of Bombay and Madras, inasmuch as the North-western Provinces do not constitute a separate Presidency, and there is no separate army under the Government of the North-western Provinces, and there is no separate service under that Government?—No.

1456. There

1456. There is no presidency town there?—No.

1457. There is no great body of Europeans congregated?—No.

1458. I believe there are all those elements at Bombay and Madras?—Yes, there are, rendering them very little analogous.

1459. They constitute separate Presidencies, with a separate army and separate and distinct services?—Yes, they do.

1460. Sir *J. Graham.*] With reference to the good government of Bengal and the North-western Provinces, do you think that the concentration of the principal patronage in the hands of the Governor-general, or its distribution in a large proportion to the Lieutenant-governors, is no more conducive to the public good?—So much depends upon the confidence of the Governor-general. But seeing that the Governor-general would generally appoint a man of liberal mind and great discretion as his Deputy-governor, I cannot see any great probability of the public interests suffering at all from that sort of division which I have suggested should be made between the Governor-general and the Deputy-governor, he retaining the highest appointments by right, and the Deputy-governor retaining the subordinate ones by right.

1461. Any plan which should strip the Governor-general of a large proportion of the patronage would not be conducive to the public good, in your opinion?—Not of the highest appointments, which, though the highest, are not the most numerous.

1462. You consider that the concentration of the patronage of the highest appointments in the hands of the Governor-general is necessary to maintain his authority and power?—I do.

1463. Mr. *Mangles.*] You were asked whether the military officers, who had been appointed to civil or political situations within your experience had been versed in the native languages. Is it not a positive rule that no officer shall be removed from a regiment to a political or civil situation unless he is a competent scholar in the native languages?—Yes.

1464. Mr. *Hildyard.*] You stated that when you were Governor of Bombay, you were restricted from recommending certain public works, by the fact that the revenue of Bombay was not equal to its expenditure; what class of public works did you allude to?—Principally roads; I did not mean to say that I did not ask for any, but I should have asked for more except for that circumstance.

1465. Mr. *Hardinge.*] Would you prefer having Punjaub under a Governor, and making it a separate Government, or would you prefer the present system of administration?—I have not the means of knowing how the Board of Administration there may work; but, generally speaking, I have thought that Boards are not so efficient in territories recently acquired as individuals; but it does not follow that the present Board may not be better than the individual for the government of the Punjaub.

1466. With regard to the secret political department of Bombay, are the servants in that department sworn to secrecy?—No, not the subordinate officers.

1467. Would you recommend that they should be so sworn?—Yes.

1468. Have you ever known any instances of breach of confidence?—I have known instances of that in several offices.

1469. Have half-castes been employed in the political department, as well as Europeans?—Yes.

1470. In the secret political department of Bombay, are there any native Baboos?—I think there are.

1471. And you would swear them also?—Yes.

1472. Mr. *Hume.*] You are aware that, as the law now stands, the Court of Directors have the power of recalling the Governor-general if they shall think fit; are you able to give an opinion as to how far that power is a right power to be continued?—I think the power of the Court of Directors to recall the Governor-general is just and indispensable.

Jovis, 27° die Maii, 1852.

MEMBERS PRESENT.

Mr. Baring.	Sir James Hogg.
Mr. Hildyard.	Mr. Bankes.
Mr. Baillie.	Sir R. H. Inglis.
Viscount Mahon.	Mr. Vernon Smith.
Sir Edward Colebrooke.	Mr. Herries.
Sir James Graham.	Mr. Hardinge.
Sir Charles Wood.	Viscount Jocelyn.
Mr. Mangles.	Mr. Hume.
Mr. Spooner.	Mr. Newdegate.
Sir J. E. Tennent.	Mr. Labouchere.
Mr. Cardwell.	

THOMAS BARING, Esq., IN THE CHAIR.

John Pollard Willoughby, Esq., called in; and Examined.

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1473. *Chairman.*] WHAT has been your career of service, and what have been the appointments you have held in India?—I arrived in India on the 10th of February 1819, and resigned the service of the East India Company on the 1st of May 1851; my period of servitude therefore had exceeded 32 years. I never came home to England on furlough, and being blessed with general good health, I do not think I was in the aggregate absent from my duties during the above period more than six months, on my private affairs. My first appointment was that of assistant to the Resident at Baroda. I very soon became his first assistant, and was at intervals for about two years Acting Resident; and during the greater part of the period was in independent charge of Rajpumpla and other petty states in the vicinity of Baroda; and for a short time in the Maheecaunta until October 1829, when I was appointed to officiate as Secretary to the Government in the Judicial and General Departments. Being relieved on the return of the officer for whom I was acting, at the end of 17 months, I was appointed Political Agent in Kattywar, where I remained until November 1835, when I was appointed Secretary to the Government in the Political and Secret Departments; nearly a whole year, between 1831 and 1835 was, however, occupied in prosecuting, by order of the Government, charges of official delinquency. I was Secretary, and latterly Chief Secretary to the Bombay Government, for upwards of 11 years, until the 28th of April 1846, when I became a member of Council. In that capacity I remained the usual period of five years, during two of which, I was also Chief Judge of the Sudder Dewanny and Sudder Foujdaree Adawlut. On the termination of my term in the Council, I resigned the service, not exactly from choice, but from a natural disinclination to descend. From this detail, the Committee will understand, that I have chiefly served in what is designated in India, the Political Department, and in the non-regulation, as contradistinguished from the regulation districts, during a moiety of the period; and as Secretary and member of the Government during the other moiety.

1474. Will you describe the mode in which public business is transacted in the Bombay Government?—I believe that in some of the details this varies at the three Presidences. At Bombay the initiative is usually taken by the Governor, though there is nothing to prevent any Member of Council suggesting what he may think conducive to the public interests. There are four Secretaries and a Deputy Secretary at Bombay, each of whom has sole and exclusive charge of his own department. This was one of many useful reforms introduced by the honourable Mountstuart Elphinstone; but before his time the Chief Secretary controlled and superintended all the departments. The Governor may summon the Council whenever he pleases; but in practice at Bombay it only meets once a week, namely, on Wednesdays, extra Councils being

being convened on special emergencies. These, however, are not frequent, except at periods when political events and military operations on an extensive scale are in progress, like those, for instance, which occurred from 1838 to 1844 in Affghanistan, and Scinde. The Secretaries, having for the most part prepared their work, wait upon the Governor, at the Government-house; each Secretary has one day in the week fixed for this purpose. The Governor having thus, in communication with each Secretary, disposed of the business of the week, it is circulated by messengers retained for the purpose in boxes with Chubb's patent locks attached, (each Member of the Government having a key,) first to the Commander-in-Chief, and next to the civil Members of the Government, in the order of their rank; the boxes are finally returned by the junior member to the Secretariat, and the business is then disposed of by the Secretaries according to the minutes endorsed on the letters, except where a difference of opinion arises, when the papers are either recirculated, or brought to the Council for discussion. Very frequently the Governor refers questions for the opinion of his civil colleagues, when from their previous service or local experience they are likely to be more conversant with the subject under discussion, and on those occasions their opinion is usually adopted. The correspondence with the Home Authorities, that is, with the Secret Committee and the Court of Directors, is conducted in the mode which I believe has already been explained to the Committee.

1475. In whom is the patronage of the Government vested, and how is it distributed?—All appointments are made in the name of the Government, but there is not a greater fallacy than the belief that generally prevails, that those appointments in which a power of selection exists are made *bonâ fide* by the Government; by this I mean, that, practically, the patronage in 99 out of 100 cases, is vested in the Governor alone, and that no discussion is usual regarding the qualifications of his nominees or their merits, as compared with those of others. All applications for appointments of every kind are made directly to the Governor, and not to the Government. By the 78th section of the 3d and 4th of Will. 4, c. 85, the Court of Directors, with the approbation of the Board of Control, is empowered to make regulations for the distribution of patronage in India; I do not think that any formal orders were issued to the Bombay Government on the subject, after the passing of that Act, but there prevails a sort of traditionary feeling, that all patronage of this kind is exclusively vested in the Governor, and a consequent disposition on the part of the Members of the Government, not to interfere, except in extreme cases; this, I believe, is founded on instructions from the Court of Directors issued as far back as 1806, confirmed by subsequent orders, dated the 15th of July 1831. There can be no doubt, that any Member of the Government has a right to dissent from an appointment, and occasions have occurred within my knowledge, where this power has been exercised, but as far as my experience enables me to judge, the existence of the power has produced as much evil as good, because it cannot be effectually exercised. Doubtless, however, the power of dissent is some check to improper appointments, but on other grounds I am doubtful, whether it would not be expedient, either that this patronage should be vested avowedly in the Governor alone, when the responsibility would be exclusively his, or that the Council in this, as in all other cases, should have a substantive vote, the Governor in special cases being of course at liberty, on his own responsibility, to overrule his Council, under the powers vested in him by section 47 of the 33 Geo. 3, c. 52, and in the form therein prescribed. The question, however, I admit, is full of difficulty; on the one hand I would wish to impose some constitutional check against the abuse of authority, and on the other I would wish to discourage anything in the shape of factious opposition to the Governor's nominations. I have stated that at present the Members of Council cannot exercise their privilege of dissent effectually: in the first place, the Home Authorities never interfere in such cases; at least, I have never known them to do so. I recollect one case which, contrary to my opinion, was referred to the Court of Directors, and their answer was what I had anticipated; they passed no opinion on the merits of the case, but stated (I am quoting from memory), that the question was one within the competency of the local Government to decide; the Governor then adhered to his original nomination, and the appointment was made contrary to the opinion of the majority. In the second place the Com-

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mander-in-Chief, on principle generally, I think I may say invariably, supports the Governor's nominations, and the appointment is then to all intents and purposes carried; and I leave it to the Committee to judge, how far the two civil members are likely to oppose an appointment already made, however much they may disapprove of it. My ideas on the subject of patronage are rather Utopian, and could not perhaps be carried out to their full extent in practice; but I regard it as the greatest of all trusts to be exercised, when freedom of selection exists, for the benefit of the public, and for no other interest, and more especially in India, where such extensive powers and responsibilities, are necessarily vested in the executive officers of Government. I believe I exercised my privilege of dissent to a much greater extent than is usual, but it was a very invidious duty. Generally speaking, however, the dissent of a Member of Council is grounded on some projected violation of a positive rule, and not on the far more important point of the qualifications of the nominee, or his comparative qualification with others; for instance, objections are occasionally made to an officer being vested with magisterial authority who had not qualified himself by passing in the native languages, or to an infraction of a rule, that only so many officers of each regiment shall be withdrawn from regimental duty. It is a common practice for the civil members of the Government, to state, that they defer to the Governor's nominations, which signifies, that they will not formally object to, although they do not approve; I have myself repeatedly adopted this course; I can only call to mind one instance, in which I successfully opposed a nomination on its merits, and that was a very peculiar case. These remarks, I beg to state, chiefly apply to that portion of the patronage which depends solely on the will and pleasure of the Government; this is very important and extensive, including what is designated the uncovenanted branch of the service, European as well as native, and selections from the army, of officers to fill political, military, civil, and various miscellaneous appointments. The Committee is aware, that there is another branch or the covenanted service, in which, in the large majority of cases, the nominations to appointments cannot be regarded as patronage at all, in the strict sense of the term. With some exceptions, the office of the local Government, is merely to distribute. By law the covenanted service is a seniority service, every member of which, in consideration of having been specially, and at considerable expense, trained up for the service, possesses certain prescriptive rights, which can only be forfeited by misconduct, or gross incapacity, and cannot be withheld *quamdiu se bene gesserit*; see sec. 56, chap. 52, and sec. 86, chap. 155 of the 33d of Geo. 3, which remain unaffected by the subsequent Act of the 3d & 4th Will. 4, c. 85. In practice, however, the superior appointments, such as Secretaries to Government, Judges of the Sudder Adawlut, Revenue Commissioners, and a few others, are very properly filled by selection; but it is the duty of any Member of the Government to object to what may appear to him to be an unjust or undue supercession. I have known this power exercised; in fact I have myself exercised it. There are advantages, and disadvantages in this system, but to explain them would require an essay. To guard against the Committee being impressed with the belief, from the tenor of my evidence on this question, that great abuses have commonly prevailed, I beg to state, that although my remarks are founded on actual experience and observation, the checks which, I think, ought to be imposed in the distribution of the patronage, especially of the first description, chiefly refer to partial and exceptional cases. I have either served under, or been associated with, as Secretary or member of Council, no less than 12 administrations, the large majority of which, have exercised their powers with almost unexampled purity and disinterestedness. And in conclusion I would remark, that perhaps in no service in the world, when there is a just, and impartial, and discriminating administration, is real and superior merit more likely to be sought out and rewarded than in the services in India. Very few instances occur, of the grey headed, experienced, and meritorious public servant, being obliged to give place to the beardless stripling. In the words of the late Sir John Malcom, "Favour effects in India less, and competency more, than in any other scene of equal magnitude; there is an interminable field for individual exertion, and though men high in station are almost absolute, (and the character of our rule requires that they should be so,) there is in that jealousy of such power which belongs to our native country a very efficient shield against its abuse." With respect, nowever, to the dispensation of the patronage, as in all other matters, much must always

always depend on the character and qualifications of the head of the Executive Government, and his love of justice and impartiality. But as far as relates to the covenanted branch of the service, the knowledge that no man's advancement entirely depends on the arbitrary will and caprice of those in power, operates beneficially in various ways, and gives a tone of freedom and independent expression of opinion, (carried, I admit, sometimes to excess,) to the service generally, which, unchecked as the proceedings of the Government are by publicity, in my udgment constitutes one of its chief excellencies; my reply to this and all questions, I beg to note, chiefly applies to the Bombay Presidency, with which alone I am personally conversant.

1476. What have been the effects of vesting the Central Government with the present power of control over the subordinate Presidencies; have they all been advantageous, or the reverse?—In my opinion, the authority vested in the Government of India over the subordinate Governments, has produced both good and evil; on the one hand, by checking any tendency to extravagance, it has promoted economy; and on the other hand, it has transferred to a distant authority the decision of questions in which the local authority is much more likely to be able to form a correct judgment. I have heard, though I cannot positively vouch for the fact, that the late Lord Clare resigned the Government earlier than he would have done, in consequence of the changes introduced by the Act of 1833, but no doubt he must have felt the restrictions under which that Act placed the subordinate Governments, in a greater degree than subsequent Governors, because from 1831 to 1834 he had exercised the power of Governor without being subjected to those restrictions. He therefore felt, probably, the restrictions more severely, from having acted for three or four years unfettered; but from my own personal knowledge, I can affirm that the late Sir Robert Grant, one of the most conscientious and benevolent men with whom it has been my good fortune to be associated, and who, in his seat in Parliament, strongly urged the expediency of the subordinate Governments of Madras and Bombay being placed under those restrictions, felt that they impeded and hampered his powers of doing good, although they had not during his administration been brought into full operation. This affords a remarkable proof of the difficulty of attempting to legislate for India on mere theory alone, and forsaking the safer guide of practical experience, a fault which I fear many are too prone to fall into. To resume, however, the restrictions under discussion have operated injuriously in various ways; they have increased and multiplied correspondence to a great extent, and have created delays and obstacles particularly in regard to measures devised for the improvement of the country, and more especially when the Governor-general of India has been obliged to be absent from the seat of Government. These inconveniences would not have been so much felt, had Madras and Bombay been represented at Calcutta, as I believe was contemplated; but only on one occasion have the interests of Madras been represented—(I refer to Colonel Morrison)—those of Bombay never. We have therefore felt, more especially during the frequent and unavoidable absences of the Governor-general, that we were not subjected to the control of a Government of India, composed of members possessing a knowledge of all India, but to a Government of Bengal, composed no doubt, generally speaking, of men of distinguished ability and sterling integrity, but imbued with Bengal influences, and occasionally prejudices. By the Act of 1833, the power "of creating any new office or granting any salary, gratuity, or allowance, without the previous sanction of the Governor-general in Council," was withdrawn from the subordinate Presidencies. The first restriction, that against creating new offices, was salutary, but those that follow carried out the system of centralization too far, and in fact in practice, the strict observance of the law, which was for a time attempted to be enforced, has been evaded. The rule, of referring in the first instance on all matters of finance, however trifling in amount, to the Governor-general in Council, was found to be so inconvenient and productive of such delay, that the Government of India dispensed with a formal reference in each case, and allowed monthly abstracts to be substituted exhibiting any increased expenditure. Those abstracts then undergo audit at Calcutta, and the several items are either approved or disallowed; in the latter case giving rise very often to a long correspondence. There is also another instance in which I think the control of the Central Government operates prejudicially. The expenditure of Government is of

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course divided into fixed, and contingent; the abstracts prepared in each office are subjected to audit in each month, in their respective departments, but it often happens that, for the good of the public service, changes are required, and the subordinate Governments have not the power of sanctioning those changes without a previous reference to Calcutta. Even, although in the aggregate, no increase of expense is incurred, we are obliged to explain in detail, why we think A. should receive three, instead of two rupees, and why B. should receive two, instead of three rupees *per mensem*. This appears to me to be a mere waste of valuable time and paper, and especially when we consider what large miscellaneous powers are of necessity intrusted to the subordinate Governments. But it is in measures relating to local wants and improvements that the minute control of the Government of India is most severely felt, and the more so, because in these days when steam annihilates both time and space, it is felt to be unnecessary, for the subordinate Governments, in common with the Government of India, are also subjected to the strict supervision and control of the authorities in England. In fact, we often find, that after having incurred the trouble and delay of a reference to Calcutta, we are told that the matter will be referred for the consideration and orders of the Court of Directors. The delay and inconvenience which would result from these double references was foreseen by the Court, and was urged by them when the Act of 1833 was under discussion, as a reason why the subordinate Governments should not be divested of the powers they formerly exercised. One or two examples will illustrate the question. It will be admitted that banks established on sound principles, are calculated to promote the interests of a large commercial community like that of Bombay. A chartered bank had for many years existed at Calcutta, and a Government bank at Madras; in the course of time a respectable proprietary was formed to establish a bank at Bombay, and the capital deemed necessary was subscribed. A reference was made to the Government of India for sanction, and after a very considerable delay, the subordinate Government was informed that the Government of India, in consequence of certain differences existing among the shareholders, had resolved to dispose of the bank stock by public auction, and to apply the premium expected to be realized, to improvements in Bombay. This fatal shock to private enterprise, was only averted by the original projectors of the bank deputing a special agent to England to represent the injustice of the proposed measure, and the Court of Directors at once afforded redress, and gave the requisite sanction. The proprietors had then to apply to Calcutta for an enactment, and one was at last tardily passed, clogged however with a condition which operated most injuriously to the interests of the bank, and from the effects of which, it has not to this day recovered. In this instance a delay of, I think, between two or three years occurred, on a question on which, having precedent to guide us, and subject of course to the approbation of the Home Authorities, the subordinate Government was much more likely to know what would be beneficial, than a distant Government occupied with its own interests; it was not a question relating to the services, but to the commercial community of Bombay, and the proceedings of the Government of India on that occasion, created great dissatisfaction. Again, in regard to local improvements, I will give the following example: this Committee, no doubt, is aware of the discussions which for some years past have taken place, on the subject of augmenting and improving the quantity and quality of cotton from India. I can testify that the Bombay Government has given much and anxious attention to that question, regarding it as one of national importance. One of the chief ports from which the cotton of Bombay is exported is Tancaria; the conveniences of the port (it scarcely deserves the name) are exceedingly small, in fact it is a muddy creek, from which merchandize can only be shipped at certain periods, and at spring tides the sea water overflows its banks; for the convenience of the shippers, and to prevent the cotton being soiled with mud, it occurred to the local Government that a pier, wharf, or quay might be constructed; an engineer officer was therefore deputed to the spot to report upon the practicability of the work, and to estimate the cost of construction; he reported that it was perfectly practicable, and estimated the cost of construction at about 30,000 rupees, or 3,000 *l.* After these preliminary proceedings the improvement, as is required in all cases involving an outlay of more than 10,000 rupees, or 1,000 *l.*, was referred, with the recommendation of the local Government, to Calcutta for sanction, and the answer we received was

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in the negative, on the plea that on financial considerations the outlay could not be authorised. This occurred in the middle of 1850. The proceedings must, in due course, have been reported to the Home Authorities, who may at once, recognising the importance of the work, have sanctioned it; but when I left India in May 1851, Tancaria Bundur was in the same unimproved state as when I first visited it 32 years ago. No one is more sensible than I am, of the necessity of prudent economy, or more opposed to a wasteful expenditure of the public money, but I think the Committee will agree with me, that the restrictions under discussion in this case, operated most injuriously, and were disheartening to the subordinate Government, who were endeavouring to do their duty to the country and the people. I could easily cite other examples; for instance, the Bombay Government has repeatedly requested to be permitted to bridge the rivers, and nullas, which abound in the high road between Bombay and Agra, an unbridged road in India, being, for the purposes of traffic, perfectly useless during the rainy season. It was a work, no doubt, involving a very considerable expenditure, and we received the usual reply, that the state of the exchequer precluded sanction. No doubt, on large questions, such as those of peace or war, or political relations with the native states, and matters which require a large outlay, the control of the central Government is highly proper and beneficial; but a general control of this nature existed even before the passing of the Act of 1833, and the Court of Directors had, previously to that Act, prohibited even the Supreme Government of India, from creating any new office without their formal sanction. On the whole I am decidedly of opinion that, in matters of finance, a greater latitude of discretion might with advantage be allowed to the subordinate Governments, provided they are competent and efficient, but if they are not competent, the more restrictions they are subjected to, the better it will be for the public interest.

1477. Do you concur in the propriety of the legislative power being exclusively vested in the General Government of India?—On the whole, I am of opinion that this was a wise provision in the Act of 1833; it insures uniformity where such is desirable, and a more perfect and matured deliberation in the enactment of laws. At the same time, I believe the best adapted and most practical code of laws, with all its defects, existing in India, was framed at Bombay. I refer to the Bombay Regulations of 1827, sometimes called the "Elphinstone Code," because it was compiled during the administration of that distinguished person. In matters of legislation, however, great deference is, I think, due to the suggestions of the subordinate Governments, who in many cases are more likely to know, what laws are required and are best adapted in their several localities, than a more distant authority. Occasionally, considerable delays have occurred in the passing of laws applied for by the subordinate Governments, and it has sometimes happened that alterations have been introduced in our draft laws, which have proved injurious, and if I recollect rightly, have obliged us to apply more than once for an amended Act. I think more efficient measures are required to insure speedy and accurate translations of the laws, that the people may know what they are bound to obey; and I may add, that I have frequently heard it urged as an objection to the Macaulay Code, that it will be exceedingly difficult to make an intelligible and correct version of it, in the native languages.

1478. Are delay and inconvenience experienced in the correspondence with England?—I do not think the delays are greater than may be expected from the system of Government. I consider that there was great delay in the introduction of railways; and it has always appeared to the people of India that the delay in the settlement of that question was very great. We first of all projected a railway in July 1844, and it was not until October 1850 that the first sod of the first railway in India was turned; that certainly was an extraordinary delay; but there were many considerations affecting the question which may have caused that delay.

1479. The question applied to the ordinary mode of correspondence, where there was no particular cause for delay in the decision?—I do not think there is more delay than you might expect with the double authority that exists, first of the Court of Directors, and then of the Board of Control. I remember on one occasion we were in treaty for the purchase of property which was very much required, and the owner agreed to it upon certain terms, and provided he got the answer in a certain time; we got an answer within the specified

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time, but we were told not to shackle the Home authorities by such a condition hereafter. Great delays do sometimes occur.

1480. Can you suggest any reduction in the correspondence without impairing the check and control which the Home authorities are now enabled to exercise over the administrative government in India?—There is no doubt that it is highly important that that check and control should be maintained; and it is only gentlemen connected with the India House who can point out the particular part of the correspondence which might be dispensed with, without impairing that check and control; but there is one point which has occurred to me, though upon that also gentlemen connected with the India House are better judges than I can be, and that is in reference to what we call "ship-to-ship diaries." The expense of copying and examining papers in India has increased yearly, on account of the increased business arising from the copies of numerous papers that we are obliged to send home, with every document however minute. I, myself, had to forward those ship-to-ship diaries, in which are entered every document, according to its date, many of which had previously been transmitted to the Court with our separate despatches. I find that Lord Broughton, in his examination before the Select Committee on Official Salaries, stated that with one revenue despatch 45,000 pages of what are called Collections were sent; those, to my certain knowledge, must have been sent in duplicate to the Court of Directors with the despatch, and afterwards every line must have been re-entered in the diaries of that Presidency. It seems to me that in the case of correspondence of that kind it would be sufficient to enter "See such a despatch, date so and so." I suppose there must be 50 or 60 large thick volumes transmitted every year from the Bombay Presidency alone. The Court of Directors were always endeavouring to check the expenditure in the secretary's office in Bombay, but the answer which they received was, that it was owing to the increased business; for the mere copying and examining of papers in my own department, the bill has often amounted to 200 *l.* or 300 *l.* a month; especially during the campaigns in Affghanistan and Scinde.

1481. You think that the ship diaries might be curtailed?—Yes, I think they might be curtailed, if not altogether dispensed with; but that is a question for the Home authorities to decide, because they alone can determine to what use they are turned.

1482. How are the Members of Council of Bombay appointed, and what are their duties?—They are appointed by the Court of Directors; I have been informed that a register is kept at the India House of the merits and services, and demerits of every civilian. The chairman for the time being nominates, and the question is determined by vote, by the Directors collectively. I was myself appointed without any solicitation on my part, when John Cotton, Esq. (I mention his name with gratitude), was chairman. With regard to the duties of Members of Council, it is not easy to define them; they depend upon the conscience of the incumbent; he may do as little, or as much, as he pleases. My own practice, except perhaps in the Revenue Department, with which I was not practically familiar, and in which I very commonly deferred to abler men with whom I was associated, was to endeavour to master every subject that came before the Board, and never to take anything for granted, but to satisfy myself that what was proposed by the Governor was conformable to justice and propriety. The Committee will better understand the extent of labour devolving upon an industrious councillor, when I state that the minutes I recorded during the five years I was in the Council, fill eight or nine closely written folio volumes, and refer to every department, but more especially the Political Branch of the service, in which I had been an active executive officer for upwards of 15 years. Finally, the Councillors are bound to offer the best opinions in their power to the Governor on all matters, and to dissent from his proposed measures whenever a sense of duty and the public interests require them to do so. In discussion, measures are often abandoned by the Governor on the advice of the Council.

1483. Besides making himself master of questions that arise, with a view to give advice to the Governor, has the Member of Council any executive duties?—No; I was Chief Judge of the Sudder Adawlut for two years, but the duties of that situation are almost nominal, except where there is a difference of opinion between two judges; that would refer to very important cases, and in those cases he is called in to decide between the two; but otherwise I took no part

part in the proceedings of the Court, it being considered objectionable, on principle, for a member of the Government to exercise judicial authority, except in those special cases.

1484. Do you think the utility of the Council is commensurate with the expense?—In answer to that question I should say, that very much depends on the character and qualifications of those who are selected to fill the offices both of Governor and Councillor. An able Council must be of great assistance to any Governor; but in my opinion, it is indispensably necessary to an inexperienced Governor. I mean by an inexperienced Governor, a Governor who has never been in India; he may otherwise be very able, and very competent. The question of the abolition of Councils was warmly discussed in 1833, and their abolition was strongly objected to by many who took an interest in the affairs of India, and more especially by the Duke of Wellington and Lord Ellenborough in the House of Lords; and by Sir Robert Inglis, Mr. Hume, Mr. Ferguson, and others in the House of Commons. It was urged that the measure would confer on the Governor arbitrary authority. I think the arguments used on that occasion, and especially by Lord Ellenborough, are unanswerable. I may add, that a seat in the Council forms an object of laudable ambition to the civil service, which stimulates every member in the service to endeavour to deserve it. In that point of view it is an incentive to good conduct, from the entrance into the service to the end of a man's career; that is a minor consideration, but still it is one consideration. But some are now in favour of the abolition of the Councils at the subordinate Presidencies, in consequence of the great success which has attended the administration of the North-western Provinces under a Lieutenant-governor. This appears at first sight plausible, but I do not consider that the cases are parallel. Instead of comparing the government of Agra with those of Madras and Bombay, I should rather compare it with the administration of the Deccan for some years after its conquest, by the Honourable Mountstuart Elphinstone, under the designation of a commissioner. The Governor of the North-western Provinces, Mr. Thomason, is, I believe, merely entrusted with the revenue and judicial administration of the country, and even in that he is more liable to the control of the Governor-general than is usual at Madras or Bombay; he has, I understand, very little political or military authority; he does not correspond direct with the Home authorities; he has no separate civil service or army to control, and no Supreme Court with which he may come into collision, and there is no European public to deal with. It follows, therefore, that many questions of a political, naval, military, commercial, municipal, and others of a miscellaneous character, must constantly arise at Madras, and Bombay, which are not likely to arise under the Agra Government. Besides this, I do not, speaking generally, think an individual entrusted with the Government of Madras or Bombay, would command the same influence and respect as a Governor in Council would be likely to do, and I think it objectionable to vest in any individual such vast and almost unlimited powers as must of necessity be entrusted to the Governments of those Presidencies. But then the Councillors should be selected for their superior merits and ability, without any reference to seniority.

1485. What arrangements are made for the conduct of public business when the Governor is absent from Bombay; what powers does he exercise when absent?—In former times, during the governments of the Honorable Mountstuart Elphinstone and Sir John Malcolm, it was usual to issue a proclamation announcing the Governor's intention to leave the Presidency, and to continue in the exercise of his functions according to law. Of late years this practice has been discontinued, and the only intimation of a Governor's departure now given, is an order in the "Government Gazette," directing certain secretaries to accompany him. By order of the Court of Directors, the Governor is obliged to place on record a minute explaining the reasons which induce him to quit the seat of government, which is forwarded to that authority; still the Court of Directors have not actually prohibited such absences; they have on various occasions intimated their disapproval of them, except on public and special grounds. I have also an imperfect recollection that on one occasion the Court forwarded to the Bombay Government a copy of a despatch addressed to the Government of Madras, intimating that the governor continuing to exercise his functions when absent from the seat of government, was not sanctioned by law. I may be mistaken, but it is quite certain that the absence of a governor is not

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sanctioned by the last Charter Act; and this is the more remarkable, because provision is made by sections 69 and 70 of the 3d & 4th of William the 4th, for the Governor-general continuing to exercise his functions when obliged to leave Calcutta. There is also section 12 of the 39th and 40th of George the 3d, chapter 79, providing for the mode in which the public business is to be transacted, when the Governor-general or Governor is unable to attend the Council from sickness or other cause, which by implication would seem to divest the governor of a subordinate presidency of the legal exercise of his functions when absent; nevertheless the Governor of Bombay has, ever since the passing of the last Charter Act, continued in the exercise of all his functions when so absent. But I must explain that he has no authority to issue orders direct when absent from his presidency; he merely initiates; the papers are sent up to him and are returned by him to the members of the Government, and resolutions are come to in the ordinary manner. The senior member of Council, under the designation of Acting President in Council, disposes of all the routine business, but all important matters are sent to the Governor wherever he may be; occasionally, however, matters of emergency may arise, any delay in the disposal of which might prejudice the public interests; I never hesitated myself to act in such cases, sending the papers afterwards to the Governor for information, and for any further orders he might wish to suggest.

1486. Are such absences frequent, and are they productive of expense or inconvenience?—For many years past they have been of almost annual occurrence; the Governor is generally absent, either at the Mhabuleshwer Hills, or at Poonah, at least six or seven months in the year. These tours, as they are called, are certainly both expensive and inconvenient. By order of the Court of Directors, an annual statement of the expense is forwarded to England; I cannot state the amount or the items of the expense, but it must be considerable, for all public officers on his establishment are entitled to extra allowances when they leave the presidency on duty; the Governor leaves Bombay on duty, and therefore every person going with him, of course is considered on duty.

1487. Mr. *Hume*.] You say that the only notice now given is an order in the Gazette for the secretaries to attend the Governor; are any other persons besides the secretaries obliged to attend the Governor?—There is the Governor's private secretary, and his military staff and establishment, and a portion of the secretariate clerks also accompany the secretaries.

1488. Then, are we to understand that the expense of all those individuals ordered by the Governor to attend him in his circuit through the presidency, becomes an extra charge in the way you have now stated?—Yes. The garrison band also accompanies the Governor on such occasions, and an extra dak is laid down between Bombay and the Hills, and other arrangements are made which involve extra expense. These absences are undoubtedly inconvenient, by delaying the transaction of public business, and they are unconstitutional, if I may use the term, by separating the Governor, from his Council. This delay and inconvenience are, however, diminished by the facilities of communication with the Hills and Bombay; there is a mail which runs daily, which enables Government to communicate in 48 hours, or in 24 hours, in an emergency. Formerly it was usual for only one public secretary to proceed with the Governor, but latterly two have accompanied him. Lastly, the position of Acting President in Council is anomalous, especially in relation to the garrison of Bombay; for special reasons, the command of that garrison is vested in the Governor, and not in the Commander-in-Chief; the Governor, even if he is a civilian, is the commander of the garrison of Bombay and Madras; and all orders are issued in his name. When the Governor is absent an officer on the garrison staff, called the Town Major, is often compelled to anticipate the Governor's wishes, and to issue orders in his name, in regard to the duties. I think in principle that is wrong.

1489. *Chairman*.] On the other hand, are those absences, called Governor's tours, in some respects advantageous?—They can scarcely be considered tours; they are taken chiefly because the climate of the Hills and at Poonah is preferable to that of Bombay; I am very much in favour of tours, when taken on public grounds, but opposed to them when taken for mere personal convenience; I would not, however, deny the Governor occasional relaxation from his arduous duties, but then, on these occasions, I do not think the State ought to be put to any considerable expense. A tour *bonâ fide* made, and by such experienced men as

as an Elphinstone or a Malcolm, is highly conducive to the public interests; a visit from the Governor undoubtedly, in such a case, stimulates to zeal and industry the meritorious servants, and detects and checks indolence, and enables the Governor to correct, by personal observation, anything which may be going on amiss; it also gratifies the natives of rank whom he meets, and enables the Governor to devise measures for the improvement of the country and the good of the people; in cases of that kind the additional expense incurred, though considerable, is amply repaid by the good effected, and the evil corrected, from the opportunity afforded of personal observation.

1490. Does the Commander-in-Chief vote on all questions which come before the Government, or merely on those relating to his own department?—The Commander-in-Chief has a vote on every question which comes before the Government; it has often occurred to me that his right of voting should be restricted to military questions and interests, in the same manner as the Legislative Councillor of India is restricted from voting excepting on legal matters. It seems to me to be absurd, that he should be required to affix his initials to revenue, judicial and financial papers, of the merits of which he can have no knowledge, and which he never even reads.

1491. Does he usually vote with the Governor, or in your experience has he voted against the Governor?—He almost invariably votes with the Governor, and that seems to me to be a great objection to his having a vote in the civil administration of the country; the effect of this is often very mischievous, especially when the Governor, as will sometimes happen, is also inexperienced in matters relating to the civil government; for, supposing the Governor and the Commander-in-Chief vote on one side, in any revenue or judicial question however intricate and abstruse, and the two civil members vote on the other, the point at issue will, by law, be determined by the Governor's casting vote, although it will not be deemed presumptuous in me to state, that it will be far more likely that the view of the civil members, who are selected on account of their knowledge and experience, acquired by long residence in India, will, in most cases of such difference, be the correct one. In such instances the decision of the Government is not in reality its own, but virtually that of the revenue or judicial secretary, who, however able, are irresponsible ministerial officers; they are responsible to the Governor for the advice they give him, but their opinions are not recorded; it is not like a member of the Government, who, of course, has the privilege of recording his opinion on all matters which come before him.

1492. Mr. *Hume.*] Do I rightly understand that the Commander-in-Chief never records any opinion?—It may be said that, as a general rule, on revenue and judicial matters he never records an opinion, for he does not possess the information necessary to enable him to do so. I may add, that I think the Commander-in-Chief would be glad to be relieved of such a form, for, in the great majority of cases, it is a mere matter of form. I suppose sometimes 8 or 10 boxes full of revenue and judicial papers are sent to the Commander-in-Chief at one time; every paper must have his initials, and those 8 or 10 boxes are sent from his house to the other members of the Government, perhaps within an hour, allowing merely time for him to put his initials.

1493. It is a mere form?—Yes; I consider it a mere form, except on military questions; I have made a reservation of those and of political questions which may be connected with military operations.

1494. *Chairman.*] What is your opinion of the efficiency of the civil service?—Taken collectively I consider them very efficient; much more efficient in the discharge of the peculiar duties devolving upon them than could safely be calculated upon under any other system that I have seen suggested. It would be scarcely fair to take as a test of the general merits of the civil service of India, that portion of it with which I am best acquainted; it constitutes not more than an eighth of the whole, and could not therefore be expected to produce so many first-rate men, as the other presidencies. It has had, and I hope always will have, its due proportion; and there are at present many members of high promise, and the same I learn is manifest at the other presidencies. But, notwithstanding the high opinion I entertain of the general merits of the civil service, I am not insensible to the fact, that objections may be urged against, and defects pointed out in, an exclusive service; but what does this amount to, more than saying that, like all other human institutions, it is not perfect? I

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can, without hesitation, assert that interest and influence have less weight than under any other system I am aware of; and that whenever eminent ability and merit exist, they are sure to be appreciated, and sooner or later rewarded. The civil service, in fact, is a profession, and those belonging to it, identify themselves with the interests of India and its people to a far greater extent than would be likely under a system of indiscriminate selection; its members are subjected to tolerably severe tests in regard to their qualifications, both in this country and in India: and as regards one, and that a very important qualification, viz., a knowledge of the native languages, they have much improved since I entered the service 32 years ago; though, paradoxical as it may appear, I do not think we have so many profound Oriental scholars as in former days. I think the civilians are, generally speaking, more deficient in the knowledge of the principles of jurisprudence than in any other branch, and for a reason which I will hereafter state, I fear that the portion of our judicial administration conducted by the covenanted service, has remained stationary, even if it has not deteriorated. My remark is confined to my own Presidency, which cannot pride itself at the present day of judges of the stamp of Romer, Keate, Babington, Norris, Anderson, and others that I could name. The system of promoting by seniority often operates prejudicially, and often fetters the Government and prevents the fittest men being appointed to offices; it likewise causes constant transfers from one branch of the service to another, and from one appointment to another, which is in itself a great evil. I think the rule of seniority should be relaxed to a far greater extent than is now customary; indeed, trusting to the honour and integrity of the Government, I would advise its almost entire abolition in the higher grades. But as a check against abuse of authority, I would make it imperative that the reasons of supercession should be recorded. I cannot, of course, claim for the Civil Service a complete exemption from incompetency, originating in indolence, defect of natural powers, temper, or other causes; there will certainly be found under any system, in all large bodies, incompetent and exceptionable members, and the Civil Service of India is no doubt occasionally clogged with persons of that description, men in fact who are not equal to discharge the duties of offices of great trust and responsibility, but who nevertheless would feel themselves aggrieved under the present system, if they were not promoted according to their rank and standing. Sometimes also mediocrity is found when no other objection exists; some men do not realise the promise of their youth, and others again, after having performed excellent service in the earlier part of their career, become either mentally or physically unfit to fill high offices. These are great defects in the present system, and ought to be more sternly deal with than is now usual. The difficulty now felt by a considerate Government is, that there is no alternative in such cases (there being no sinecure appointments), but to consign those persons who have been brought up to the service, to poverty, I might almost say to ruin, or to nominate them to offices, the duties of which they are unequal to perform. I am of course alluding to exceptions to the general character of the service. The proper rule would of course be, to empower the Governnent to pass by, and discard manifest incompetency and mediocrity in selections for high offices; and as an additional remedy it has occurred to me, that it might be ruled, that when a member of the civil service has served his time, and has become entitled to his annuity, it shall be taken into consideration by the local government whether it is for the good of the public service that he shall be retained in employment, or be constrained to accept his pension. Such a rule would prevent what now occasionally happens, a most inferior man remaining in the service for an unlimited period. If this rule were adopted, however, I would make it retrospective, as much as possible. There are also, occasionally, men inaccessible to those placed under their authority, and under the influence of their native subordinates; men who are supercilious, domineering and inconsiderate in their conduct towards the natives. This I regard as one of the greatest defects requiring to be sternly admonished and condemned; it is more frequently met with among the junior ranks, and often corrects itself, as they advance in life, and become more deeply impressed with their responsibilities. In the annual addresses to the students at Haileybury, the evil of debt and extravagance is frequently and justly dwelt upon. I consider that a man in such a condition is deprived of that spirit of independence which is essential to the correct and proper discharge

charge of the duties of a high office, and I would therefore declare that anyone who is seriously involved shall be deemed disqualified for such employment; I am, however, on principle opposed to all retrospective laws, and here also I would not be too rigid in the application of the rule at first; and I would, of course, exclude from its application cases of embarrassment which can be clearly shown to have originated in accident or misfortune. These are the chief defects which a long experience enables me to point out in the present system. To the general purity and integrity of the service, and to its intolerance of anything approaching to corruption, I can bear the strongest testimony, only two known instances of such having occurred in the Bombay civil service to my knowledge within the last 40 years. I may conclude by repeating as an offset to the inconvenience of an exclusive service, that one of the main causes of its general excellence, is the conviction that a man's advancement is in no way dependent upon the arbitrary will or caprice of men in power; this produces a freedom of expression, and a tone of manly independence in the public correspondence, far exceeding that which exists in any other service. I do not mean to assert that, occasionally, trucklers and sycophants are not to be met with; they are, however, despised; and generally speaking no man hesitates to write what he honestly thinks, or pauses to reflect whether what he writes will please or displease those he is addressing; and although I admit that the latitude allowed in this respect, is sometimes abused, and the independence alluded to degenerates occasionally into something very nearly approaching to disrespect and insubordination, still the free and high-toned spirit which prevails is extremely beneficial.

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Veneris, 28° die Maii, 1852.

MEMBERS PRESENT.

Mr. Baring.	Sir Edward Colebrooke.
Mr. Herries.	Sir James Graham.
Mr. Baillie.	Mr. Hardinge.
Mr. Hume.	Sir James Hogg.
Viscount Jocelyn.	Mr. Cardwell.
Mr. Vernon Smith.	Mr. Mangles.
Sir R. H. Inglis.	Mr. Labouchere.
Viscount Mahon.	Mr. Gladstone.

THOMAS BARING, Esq., IN THE CHAIR.

John Pollard Willoughby, Esq., called in; and further Examined.

1495. *Chairman.*] WHAT is your opinion of the scale of remuneration that the civil service receives?—I think that it is liberal, but not extravagant, considering the extent and nature of the duties and responsibility devolving upon the Indian functionaries. If it is compared with the scale in England, it will, of course, appear high; but that would be an unfair test, in the same manner as it would be unfair to compare the remuneration of professional men in England, and in India. Some years ago very extensive reductions were effected in Bombay by a Finance Committee appointed by Lord William Bentinck. On that occasion many appointments were abolished, and others consolidated. There is another reason why I do not consider the salaries are too high, and that is the slowness of promotion; it requires, in the Bombay Presidency, a person to serve an apprenticeship of from 16 to 18 years, in moderately paid appointments, before he is promoted to the situation of collector or judge. That slowness of promotion is so felt in Bengal, that the civil service there has recently established a bonus fund for the purpose of purchasing out their seniors. I may mention that all salaries fixed by the Act 3 & 4 Will. 4, are paid in the Sicca currency, and not in the Company's rupee. This was probably an oversight, but hereafter those salaries should,

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should, I think, be paid in the latter currency, reserving the right of incumbents. The difference is 6 ½ per cent. in favour of the Sicca currency.

1496. Mr. *Hume.*] Will you explain what you mean by the expression you used, that persons serve an apprenticeship of from 16 to 18 years?—I mean that a civil functionary is obliged to fill subordinate situations under the Government for that length of time. Besides this, the scale of salaries in Bombay, in the higher grades, is much lower than it is in Bengal. I do not think the estimate that a person is likely to realise a capital of 20,000 *l.* at the end of his 25 years' servitude, except in special cases of early promotion, is likely to be realised on the Bombay side. The European agency of the Bombay Presidency is considered deficient, and ought to be either increased or met by the enlargement of the native agency, which would be preferable.

1497. *Chairman.*] An opinion has been expressed, that although, at the commencement of the service of 10 years, the pay was very low, the subsequent allowance was handsome, though perhaps not too much. Do you agree in that?—No, certainly not on the Bombay side. I refer to the higher offices, such as secretaries, judges, and the highest servants of the Company, and the revenue commissioners. I do not think the salaries of these high offices excessive.

1498. Do you agree that at the commencement of the service the civil servants are underpaid?—I should not say that they were underpaid at the commencement of their service, but in consequence of the slowness of promotion, those about the middle of the service remain stationary for a long period; of course there are exceptions; I am talking of the general rule.

1499. What opinion does your experience justify you in pronouncing upon the system of education at Haileybury?—I am not acquainted with the changes which have been introduced, since I was there 35 years ago. In my time the defect was, that it was half college and half school, and the discipline consequently was imperfect, and neither adapted to a collegiate or to a scholastic institution. My own recollections of Haileybury are very favourable. I myself owe a deep debt of gratitude for the instructions I there received. I know of no place where the same amount of general knowledge can be acquired within so limited a period. We had the most able professors, and it was impossible but that their instructions should produce good fruit. But it has always appeared to me that too much attention was paid to Oriental literature, for the acquisition of which there are greater facilities in India, than in this country. I myself think that although I was the head of my term in that department, I could have been much more profitably employed in acquiring knowledge in the European branches taught there, and more especially history, political economy and law. Of course in exceptional cases, where a student exhibits a peculiar taste for the acquisition of Oriental languages, it should by all means be encouraged. This opinion does not arise from my undervaluing the benefit of an extensive knowledge of the Oriental languages, far from it; but merely because I think, that as the period of education is so very limited the student's attention should chiefly be directed towards those branches of learning which cannot be acquired in India. It is the custom whenever civilians arrive in Bombay (and I suppose it is the same at the other Presidencies), that what is called an initiatory examination has to be undergone, in order to test the efficiency they have acquired at college. Another defect which I think might be remedied is, that there is no means at Haileybury of acquiring a knowledge of such sciences as mineralogy, geology, chemistry, as applied to agriculture in particular, and of land surveying and civil engineering, and kindred sciences. For all those there is a great field for the civilian in many situations in which he is placed in India, particularly early in life; and if a professor's chair was added for that purpose, I think it would be a great improvement. There is one point that I would mention, although I do not know whether the rule now exists. I very nearly lost my appointment under a rule which seems to me to be very unjust, viz. that I had been in Her Majesty's navy. I consider that an undeserved reproach on the naval profession, which, if it exists now, ought to be removed.

1500. Do you think that the power of recall of the Governors vested in the East India Company, is essential for the maintenance of good government in India?—Most undoubtedly; and I think there should be no exception, for it is the only power which the Court possesses over the highest officers under their control. It has been observed that it is an anomalous power; but I ask the question whether our Government in India is not a compound of anomalies; that

that of the double Government, for instance; but in this case I do not consider it an anomaly, because the highest officers of the Court are as much their servants as those in the lower ranks; they take an oath of fidelity and obedience like the rest. I heard the remark made, that it was contrary to the dignity of the Crown; but that I do not think is the case; I think the true dignity of the Crown is best consulted by not being deterred by any anomaly from insuring the safety of the most valuable possession of the Crown; by that I mean that the Court are an independent body, and are usually not swayed by Parliamentary or Ministerial changes and influences.

1501. Do you think men like yourself, of great Indian experience, are deterred from being candidates for the East India Direction by the present mode of election and the system of canvassing?—I have no doubt they are; I was recommended to declare myself a candidate; but on inquiry, I came to the conclusion that I should, like many others, repent of doing so. The canvass is irksome and laborious, and expensive; and in some respects it is, what one witness stated, humiliating.

1502. Can you suggest any remedy?—My attention has not been much turned to that question. I very much doubt whether enlarging the constituency would remove the existing defects; I think it would be objectionable on principle to give votes to the servants of the Company, because it would be like servants taking part in the election of their masters; the same objection would not apply to the retired servants of the Company: I think the proposition which I have heard, of conferring votes on the holders of the territorial debt in India and the home bond debt preferable, especially as it would indirectly admit the natives to vote as well as Europeans; though it would not give the natives substantial power, it would increase their consequence.

1503. Mr. *Hume.*] How would you carry that system out?—In that case, of course, proxies must be adopted, or rather continued, because the power of voting by proxy already exists. I have also heard it suggested that a certain number of Directors, of Indian experience, should be nominated by the Court of Directors, subject to the approbation of the Board of Control. I think that perhaps might answer, care being taken that the independence of the present directorial body should not be affected by its degenerating into a Government Board. I have heard that allowing the vote by proxy has added to the difficulties of canvassing, in consequence of throwing the influence into the hands of certain parties. I might add that a new candidate has no chance against those already in the field. And in regard to the comparison made between the canvass for Parliament and for the direction, there is no parallel; one may last seven years, the other a few weeks. In the one case you have to seek your constituents all over the United Kingdom, in the other case, you know where to find them within moderate limits. In the former the candidates do not start on equal terms; the first in the field has a great advantage.

1504. *Chairman.*] What do you mean by saying that proxies throw the influence into the hands of certain parties?—I have understood that many voters give their proxies to particular persons, which, of course, enables those parties to exercise a powerful influence over the elections.

1505. Mr. *Hume.*] You have stated that the scale of salaries in Bombay in the higher grades is much lower than in Bengal; do those grades perform the same extent of duty at both Presidencies?—They perform the same kind of duty; but in regard to the extent of duty, in some instances, it may exceed at the Bengal Presidency, because that is the Government of India.

1506. Are you able to give any reason why the salaries should remain unequal at those two Presidencies?—None, unless it can be shown that the extent of duty is greater at Bengal than at Bombay. I recollect that the Bombay Civil Service, on one occasion memorialised the Court to be placed on the same footing as the Civil Service at Bengal, but the Court would not recognise the principle of equalisation.

1507. At what date was that memorial?—I cannot state the date.

1508. What is the comparative expense of living at the two Presidencies?—The expense of living, I have understood, is greater at Bombay than at Bengal. I say that with this qualification: the expense of supplies from England must be about the same at Bombay and at Bengal, but the expense of living and of servants is greater at Bombay than at Bengal.

1509. But you do not think that there is any reason why the salaries should be

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be higher in Bengal than in Bombay?—I should be sorry to answer that question with any positiveness, because I have never been in Bengal, and I should not like to state anything not within my own experience.

1510. You have alluded to the plan adopted in Bengal, of the civil servants purchasing out the senior servants. What is your opinion of the propriety of there being any such plan adopted in Bombay?—The same system exists in the Army, and under proper regulation I should not see any objection to its being applied to the civil service, in order to accelerate promotion.

1511. Do you consider that that would be an advantage to Bombay?—I believe at the present moment certain members of the service are unable to retire when they are entitled to their annuity, and that it would be advantageous to accelerate promotion to a certain extent.

1512. Do you mean to say that the civil servants, when unable to perform their duties, are often obliged to remain on that account?—Not when they are actually unable to perform their duties; but the great difficulty experienced by many persons is, to pay the fine which is demanded on the receipt of the annuity.

1513. To secure them the annuity on retirement?—Yes.

1514. You think that this arrangement in Bengal operates as an inducement to civil servants of the higher ranks to retire and make way for younger men?—Yes.

1515. Do you think that is an advantage to the service?—The effects must be of a mixed character; sometimes a good man would be induced to retire when it would be advantageous to retain his services, and *vice versâ;* an inefficient officer is induced to retire, and then its effects are beneficial.

1516. Then the general effect on the service you do not consider of any great importance?—My reply to the last question is as much as I can say upon that subject.

1517. You have stated that you have not any knowledge of the system now adopted at Haileybury. Have you had any opportunity of observing whether the young men who have arrived of late years at Bombay are better instructed in matters generally than they were at the time you were at the college?—I should say, on the whole, that in this progressive age they have improved; but it is not always those possessing the most brilliant talents who make the best public servants.

1518. I allude to the extent of information which is acquired at Haileybury; do you find a considerable improvement in those who have lately gone out?—I think they have improved in general knowledge.

1519. You have expressed an opinion that if their scientific knowledge were more extended, it would be useful to them in the situations in which they are often placed as civil servants?—Undoubtedly; Government feels the great want in India of those who are capable of directing scientific researches.

1520. Mr. *Hardinge.*] You have advocated the entire abolition of the system of seniority in the higher grades; is it not the case, that, when the names of five or six candidates are brought up for an appointment before the Government, that merit is generally considered, and not seniority?—I cannot say that it is entirely in certain situations; in my evidence I mentioned certain situations which were avowedly those of selection; but I consider judgeships or collectorships highly respectable situations, and in those the Government is fettered by law.

1521. Where there were three candidates for a judgeship, supposing the junior, as far as regards the period of service, to be best qualified to hold the judgeship, according to your experience has not the junior civil servant been selected, and the two senior servants superseded?—Not in ordinary offices in Bombay; I recollect exceptions; but the rule in general is as I have stated, on the Bombay side.

1522. You have also stated that in your opinion the reasons of supercessions should be recorded; have not the civil servants the power of memorializing the Court in cases of supercession?—No doubt they have, but the odds are very much against the memorialist, except in very serious cases, obtaining what he considers redress.

1523. When you say that the reasons of the supercession should be recorded, do you recommend that they should be communicated to the officer superseded?—Certainly not in all cases; the reasons should be recorded for the information

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of the higher authorities, the authorities in England; I would leave it in the discretion of the Government, whether they should be communicated to the officer superseded.

1524. Mr. *Hume.*] It has been suggested to the Committee by some witnesses that the Governor-general in Council, if he had a member of the Madras civil service on his Council, and also a member from the Bombay service on his Council, he would be better able, looking to the control that the Governor-general has over the affairs of Bombay and Madras, to do justice upon the references made to him; what is your opinion upon that subject?—I am of opinion that members from each Presidency, would be of great service to the Governor-general in Council.

1525. You have stated that, in your opinion, the absence of the Governor from Bombay, unless in those tours in which he makes himself acquainted with the affairs of the Presidency, rather tends to impede the business of the Presidency. If a member of the civil service from Bombay was appointed to attend the Governor-general, could you dispense with one of the two civil councillors whom the Governor of Bombay now consults?—I should say certainly not, and for this reason: as it is, the Commander-in-chief and the Governor have the power of carrying any measure they think fit. When the Commander-in-chief was absent, the Government would, under that arrangement, consist of the Governor and one member; and of course that member would have no authority at all, if the Governor wished it. I do not see how a Government could work, consisting of the Governor and one member; and then again, if the member were to fall sick (which, of course, we are all liable to everywhere, but more especially in India), there would be great embarrassment.

1526. Your opinion is decidedly that the Governor should have two councillors always with him?—Yes.

1527. Viscount *Jocelyn.*] For what period are the members of the Council at Bombay appointed?—For five years. A member of Council, unless his time is prolonged, which the Court have power to do, vacates the Council on a particular date, a provisional member having been appointed to succeed him; and that period is five years.

1528. Do you think that there would be any advantage in prolonging the term of office of members of Council?—I should say yes. I think good councillors and good Governors are not always to be found; and if a member of Council has proved his utility by five years' service, if his period of office was prolonged, not for life, but for a further term, it would, I think, be advantageous to the public interests: it would, of course, be attended with this disadvantage, that one of the objects of ambition for the whole civil service would be less frequently attainable; but that I consider a minor disadvantage.

1529. Do you consider that you have a right, as a member of Council, to record your opinion on all subjects?—I always exercised the right, and never doubted that I had a perfect right, except on one occasion, when I received a censure from the Home authorities for having expressed an opinion, which I felt very much. It struck at the root of my independence, and consequent usefulness.

1530. Have you any objection to state what the question was on which you met with a disapproval of the Court for recording your opinion?—I considered it a very important question; it related to certain discontents which existed, in one branch of the public service.

1531. In what branch?—The Indian Navy.

1532. Do you know what the grounds were for the disapproval of your recording your opinion?—I was told that such a recorded opinion was calculated to promote those discontents; to which I replied that my opinions were on the confidential records of the Government only; and I do not believe that it is known in Bombay to this moment, that I recorded that opinion.

1533. Does a right of appeal exist on the part of Government servants, if they suppose themselves aggrieved by any act of the subordinate Governments, to the Supreme Government?—I do not think that point has been settled as a rule; as I have known various attempts made to assert the right. But on one occasion I recollect an officer of high standing being very severely dealt with, by the Bombay Government, for having persisted in asserting the right. The appeals generally are made to the Home authorities.

1534. Mr. *Hume.*] What do you mean by "severely dealt with"?—He was threatened with suspension; in fact, the question of suspension was referred to

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the Government of India, and they stated, that although they disapproved of the manner in which the officer I allude to had exercised the right, they thought the punishment too severe. This occurred in 1835.

1535. Viscount *Jocelyn.*] When the Commander-in-Chief or a civil member of the Government is absent from the seat of Government, do they still continue to exercise their functions?—No, a member of Government is *functus officio*, when absent from the seat of Government.

1536. You have stated that the Governor's absence from the Presidency occasions inconvenience, and likewise expense. Did you as a member of Council ever object to his leaving?—No, I never did. I did not consider my doing so would be conducive to the public interest, and I thought it was a Home question; the fact of those absences was very well known to the Home authorities.

1537. On the occasion of his absence, who dispensed the patronage?—The Governor; he exercises all his power when absent; the patronage is dispensed by the Governor when absent, just in the same way as when he is present.

1538. But during his absence, have the Council any voice in the appointments?—Yes, they have the same voice when the Governor is absent as they have when he is present, because all the papers are sent up to the Governor and returned to be disposed of in Council, except on a few occasions; except in extreme cases of emergency, nothing can be done by the Governor individually when absent; the papers are endorsed to be sent "To the Honourable the Governor," and they are sent to him and he initiates the proceedings upon those papers, and then returns them to Bombay, and they are circulated to members of Council, in the same way that they would be if he was present.

1539. Mr. *Hume.*] In what way are the opinions of the members of the Council taken?—In the same way as when the Governor is present; the Commander-in-Chief, or any other member of the Government, have as much right to oppose measures suggested by the Governor when absent, as when he is present in Council.

1540. Is the opinion of the Commander-in-Chief, when he is absent, taken when a question is decided by the Council in Bombay?—No, the Commander-in-Chief has no voice when he is absent. As I have explained, the papers are sent to the Governor; the Governor then proposes the way in which he thinks the matter referred should be disposed of; the papers are then returned to the Presidency, when, first the Commander-in-Chief, if he is present, and after him the other members of the Government, examine the papers, and agree or disagree in the same way as they would do, if the Governor was present; of course if there is a dissent, the paper has to go back to the Governor.

1541. Viscount *Jocelyn.*] Do you see any objection to removing the seat of Government from the Presidency to a more healthy part, such as Poonah, or the Mhabuleshwer Hills?—There are some objections that would be very considerable. There is the expense which would be incurred in the first instance, and the Government would be removed from one of the principal scenes of its labours; I refer, of course, to the public and other chief offices of the Presidency, which are all concentrated in Bombay. If these could all be removed, there would still be objections, but they would be mitigated.

1542. Would it not be a great advantage to the efficiency of the civil servants to be residing in a more healthy district than the present seat of Government?—Bombay I consider very healthy; of course the cool bracing climate of the hills, enables a man to do his work better, than a very hot or bad climate.

1543. Mr. *Hardinge.*] Would the removal of the seat of Government injure the trade of Bombay?—I do not see how it could have a direct effect in that way.

1544. Might it have an indirect effect?—The conveniences to the commercial community would not, perhaps, in that case be so much considered as they are at present.

1545. Viscount *Mahon.*] Has the population of Bombay much increased of late years?—Yes, very much; the population of Bombay town and island, by the last census, was about five lacs, or 500,000.

1546. My question was not as to the present amount of population, but as to the increase of population which had taken place of late years?—No doubt it has increased; Bombay itself has increased very much in importance and prosperity. I have seen it stated, that the value of the exports and imports of

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Bombay in 1851, amounted to 24 millions of pounds sterling, but this I apprehend is somewhat exaggerated.

1547. Do natives from other districts appear to resort to Bombay to settle there?—There is a migratory population in Bombay; persons who come from the interior at certain seasons, and return to their homes at other seasons.

1548. Viscount *Jocelyn.*] Sir George Clerk stated that the revenues of Bombay were not equal to the expenditure; what is the amount of deficit?—I have in my note-book the deficits for a series of years. At the end of 1835–36, according to the return of our local accountant-general, the deficiency had been reduced to 17 lacs; but it has increased since then up to 1850–51, to 52 lacs.

1549. To what is that owing?—We have been engaged very much in military operations; but I do not consider that, as far as the data which I am alluding to are concerned, there is any deficit. I think Bombay pays its expenses; but certain matters, one is the Indian navy, and again, a larger proportion of the European troops than are required for our own purposes, are charged to Bombay, which ought not to be charged to Bombay, but are items of general expenditure. My opinion that there is no real deficit is founded on the annual statements prepared by our Accountant-general.

1550. To what extent has Scinde affected the expenditure of Bombay?—That is one item of expense, but I cannot from memory state the annual amount. The Accountant-general at Bombay was called upon to make an estimate of the expense we had incurred on account of Scinde compared with the revenue, and it exceeded 2,500,000*l.* sterling up to 1848. This report is dated the 5th July 1850.

1551. You spoke of the Indian Navy; in what manner is the Indian Navy controlled?—It is subject, first, to the control of a superintendent, an officer of distinction selected from Her Majesty's Navy; and it is also subject to the control of the local Government. In regard to the expenditure, it is partly managed from home and partly from the Government of India. The Indian Navy is connected with the overland communication; and therefore, on many points, such as the building of ships, steam factories, and docks, we have received instructions occasionally from England. But as regards the repair of ships and the establishments in those ships, any increase is referred to the Government of India, like any other increase. As an example of the control exercised by the Government of India, if we want to repair a vessel, and the expense is estimated to exceed 10,000 rupees, it must be referred for the sanction of the Government of India.

1552. Viscount *Mahon.*] Who established that restriction?—I am not certain whether it was laid down by the Government of India or by the Honourable Court; it must have been by one or the other.

1553. Viscount *Jocelyn.*] Do you think that the employment of military men in the civil service tends to promote the efficiency of the service in general?—Undoubtedly, to the extent now allowed. Officers are chiefly selected to fill situations in the non-regulation provinces, that is, in the political department; most of the officers so selected are amongst the most efficient servants of the Government; but then, of course, they are men specially selected for a particular duty.

1554. There has been a resolution laid upon the Table of the other House of Parliament that the Governor-general and the Governors of the several Presidencies shall have the power of appointing military officers to situations in the civil service; what is your opinion as regards the advisability of giving that power?—I think difficulties and objections exist to it; but unless I was informed upon what principles it was to be carried out, and what were the details, I could not exactly say that it would or would, not work well. In the first place the question would arise, what rank is the officer who is so selected to hold in the civil service; is he to be put over men who have been serving 20 or 25 years in that service, or is he to be placed below them, or at the bottom of the civil list?

1555. What would be the effect upon the efficiency of the service?—I have no doubt that there is a great amount of efficiency to be found in the army, as is proved by the limited number of selections that have been made. I have, speaking generally, the highest opinion of the officers of the army and their qualifications.

1556. But you would not give the Governor-general and the Governors a power of appointment of military officers to situations in the civil service?—I should

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I should hesitate before I did so; but without knowing what the plan is, I do not think anybody can offer an opinion upon it.

1557. Is any publicity given to the proceedings of the Government in India?—Very little; the present system of government in India is almost inconsistent with what now exists, namely, a free press.

1558. In what manner is it inconsistent?—I mean to say that there is no means, when Government measures, or Government functionaries are attacked and misrepresented, which is very frequently the case, of their being placed right with the public; here the moment a misrepresentation is made in one paper, it is contradicted in another.

1559. Mr. *Hume.*] Why may not the same discussion take place in India as takes place in this country?—It is not the policy of the Government to have any organ of its own, and the servants of the Government are strictly prohibited from defending themselves in any of the papers. And again, there are many valuable records and documents submitted to Government which might with great advantage be given to the public. Our system, however, is that of secrecy, by which I mean that there is no publicity in the details of administration. Results are made known to the parties interested, and through this means may become known to the public, but the process by which those results are arrived at can only be known from the unpublished record. In India there is no Parliament in which any member may rise up and put a question to the executive government, regarding any event or measure which may seem to require explanation, or which may have been misrepresented. Although a commencement has been made of publishing selections from the records, it ought, in my opinion, to be carried to a much greater extent. In Bombay I more than once suggested this course; but it has not yet been followed to any great extent. In illustration of what I mean, I may refer to the four folio volumes of selections from East India records, which were published some years ago; the Home authorities might set an example, by publishing a continuation of those; they are very dry reading, but they are very useful to official men.

1560. Sir *E. Colebrooke.*] How frequently should such publication be made?—That should be left to the discretion of the Government; but to make it certain, I should say annually.

1561. Mr. *Hume.*] Do you see any objection to the orders of the Government, when issued, being published as speedily as possible, in the same manner as Orders in Council, or other orders upon any particular matters, are published in the "Gazette" here?—To some extent there are already Government Gazettes in India, in which the different orders of the Government are published; and the Commander-in-Chief has also his particular orders.

1562. What then are the particular orders which are not published, and which you think might with great advantage be given to the public?—I mean general statistical information, information regarding the country, on points which are too numerous to mention.

1563. Have you not of late years had a statistical department established at Bombay to collect the details to which you have alluded?—Not under the Government of Bombay.

1564. Is there no individual employed under the Government to collect statistical details?—There was a statistical reporter, but that, like many other measures, has been abandoned for several years.

1565. Your opinion is, that there might be with advantage an officer employed for that purpose; viz. to collect and publish statistical details of the resources and establishments of the country, and so on?—The aim of my remark was not that a person to collect information should be appointed, but that the Government should publish information which it receives from its different functionaries, and which is now withheld from the public.

1566. There should be a department under Government to do that?—The secretaries in the different departments might do it. Under the Agra Government it is regularly done, and I believe also in Bengal.

1567. And you think the same thing might be done at Bombay with great advantage?—I do.

1568. Sir *J. Hogg.*] Are you aware that there was a statistical department established about six years ago at the India House?—Yes, I am; but I have not seen the results of its labours.

1569. Do you recollect the despatch that went from the India House to the different

different Governments in India, when that department was established, directing the Governments to collect the requisite information and forward it to that department?—I do; but that is not exactly what I was alluding to in my former reply. I was alluding to a compilation of records, such as is already published in the North-western Provinces.

1570. Have the orders contained in the despatch to collect the requisite statistical information to be sent home been complied with by the different Governments, as far as you know?—Generally they have, as far as the Government have been concerned; but the Governments have no power over the Exchequer, and consequently their measures have not been effectual. We were obliged to resort to the Bombay branch of the Royal Asiatic Society to collect information.

1571. Mr. *V. Smith.*] You say, that the Government would have no means of contradicting or defending themselves from any accusations made against them by the press in India. Is there no press to which they might have access for that purpose, though they have not one of their own?—None, on the Bombay side. The policy of the Government is never to defend anything that is reported to be wrong, however virtuous it may be, and I think the strength of the Government is impaired very much in consequence.

1572. How many papers are there established in Bombay?—Three.

1573. And all attacking the Government?—I certainly think the press of India is often one-sided, but as frequently from ignorance, and the want of correct information, as from intention. There is one paper that I regard as an exception, and that I consider a very honourable exception; that is, the "Friend of India;" but I have no doubt, when this remark appears in evidence, it will be set down that I am hand and glove with the editor of that paper, though I do not even know him; but that is a specimen of the way in which these matters are treated in India. I only know the editor through his able paper. He is often twitted by the other papers as the advocate of Government, because he has the honesty and manliness both to praise and censure the measures of Government. There are, however, other ably conducted papers, though from the above cause they often fall into error.

1574. All the papers in India attack the Government?—Sometimes they give credit to the Government and Government functionaries; but the animus of the papers against the Government is often very great, and it is a rule of the Government never to take any steps to set themselves right. I would not wish it to be understood that the editors refuse to put in any defence of the Government, but they are never asked to do so.

1575. As individuals, you are forbidden to defend yourselves from attacks, but would not the Government take up your cause if you applied to them?—Certainly not. I can refer to a circular which was issued by the Madras Government in 1847, in which a most severe censure was passed upon a servant of the Government who had addressed a letter to the "Spectator," and there was a positive prohibition to his so doing; and that was circulated for the information and guidance of all public officers. A circular of somewhat similar purport was, I think, issued by Lord Ellenborough.

1576. Mr. *Hume.*] You are aware that some years back, in Bengal, Colonel Davison was removed for having published a letter in Mr. Buckingham's paper?—I am aware of that.

1577. Then that system is not of recent date, and it is not confined to Bombay?—No; it is general.

1578. Mr. *Baillie.*] Have you ever had reason to suspect that the proceedings of the Council in Bombay have been divulged or made public?—I have no doubt that instances have occurred of what the Government wished to be kept secret having been divulged, and probably it may have obtained currency from the secretariate, which of course is a Government office; but on the other hand, I have known instances in which it has been fairly traced to other offices. For instance, with reference to military operations, you must issue orders to the quartermaster's department, the adjutant-general's department, and other subordinate departments. We had on different occasions to make inquiry how certain facts had transpired; and on several occasions they were traced in that way to some breach of confidence on the part of some inferior officer, of course not of the heads of subordinate offices.

1579. Mr. *Hume.*] You stated in your examination yesterday, that you did not

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not think that the laws were properly translated; will you state what amendment you would propose in the present mode of translating and promulgating the laws?—The only mode that suggests itself to me is, that those most learned in the languages in which the Acts are passed, whether in or out of the service, should be employed for the purpose of translating them, and that that should be made their primary duty; but there is not enough perhaps to occupy the whole time and attention of any particular officer.

1580. Do you mean that all public Acts of the Government should be transmitted in a public manner for publicity at the Presidencies?—Certainly; they are now translated, but there is considerable delay attending it; and I have heard complaints with regard to the accuracy of the translations.

1581. You were asked a question yesterday respecting roads, and you stated that considerable inconvenience had arisen from the Government of India refusing to sanction the Government of Bombay bridging the nullas and carrying on certain works on the Agra road; is there any department of public works at Bombay?—Yes.

1582. What is the duty of that department?—It is a union of civil and military engineering, but one great defect is in not having the power to sanction public works beyond 10,000 rupees.

1583. You have a department capable of ascertaining the necessity of carrying out works that may be thought proper, but you want authority at Bombay to carry them out?—Yes; though I think the department very susceptible of improvement with reference to efficiency, and that was a subject that underwent discussion when I was a member of the Government, and we almost all recorded our opinions upon it.

1584. You expressed a strong opinion yesterday on the subject of public servants of the Company being in debt, that you considered their being in debt would place them in embarrassment, and that a regulation ought to be passed against that. What would you propose in that respect, both as regards the civil and military servants of the Company?—I meant to state it as my opinion that henceforward it should be a rule, that if a person was seriously involved in his pecuniary circumstances by his own fault, because I excepted accident and misfortune, the authorities in India should consider that a disqualification for high offices.

1585. Do you recollect the Government of Bengal issuing an order to that effect, that whatever public servant should be found in debt, it should be considered a bar to his promotion?—I do not recollect that order myself; but I do not think the feeling is so positive as it ought to be, that that should be a disqualification.

1586. You think such an order should be issued by the Government, and acted upon?—Yes; but it should be acted upon at first with consideration. It would not be just to declare that a man who was seriously involved in debt, which had originated in his past service, perhaps 20 years ago, should be disqualified.

1587. How far do you think public officers, civil or military, whilst in the service, should be engaged in commercial institutions, such as banks, or any other commercial transactions?—With regard to banks, or institutions of that kind, the object of which is to promote the interests of the country, and to develope its resources, I should be sorry to see the power of the Company's servants to aid and facilitate them withdrawn, because there really is in India not a sufficient field for selection out of the service. There are objections of course to it, but that is my general impression.

1588. Do you not consider that the servants of the Company generally have occupation sufficient in the respective situations in which they are, and do you consider it right that their time should be obstructed, and their attention directed to matters of a private though important nature, entirely different from the duties of their own immediate appointments?—Of course every man's first duty should be the duties of his peculiar office; but onerous as the duties of the Indian official are, generally speaking, it very often happens that he may give his attention to enterprises of the kind above alluded to without materially interfering with them. But my reason for allowing it is chiefly what I mentioned just now, otherwise I should not think it advisable.

1589. Is it your opinion that public servants, having duties to perform connected

nected with their public offices, should be allowed to act as directors of private banks, and in other responsible situations of that kind?—My opinion, for the reason above stated, is in favour of it; though I conceive that on theoretical principles it is liable to objection.

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Frederic Millett, Esq., called in; and Examined.

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1590. *Chairman.*] WHAT has been the duration of your service, and what have been the principal offices in which you have served in India?—I went out to India in the Honourable Company's Bengal Civil Service in the year 1816, and retired at the end of the year 1848; intermediately, in the years 1823, 1824, and 1825, I was in England. My employment was entirely in the judicial department till the end of the year 1833. I was then summoned to the Presidency on special business, that special business being the consolidation and amendment of the civil regulations of the Bengal Code. I was appointed in the beginning of the year 1835 to the secretaryship of the Law Commission, and in the beginning of 1837 I was appointed a member of it, and so continued till April 1844, when I took my seat in the Council of the Government of India.

1591. With regard to the mode of the government of India, is it your opinion that it would be desirable to make the Presidency of Bengal a distinct Presidency under a deputy-governor, or a governor distinct from the Governor-general in Council?—Yes, I think it would be desirable for several reasons. In the first place, the Governor-general, I believe it is allowed on all hands, is overwhelmed with the duties which he has to perform; and in the second place, the only person he can appoint as deputy-governor is one of the ordinary members of Council. Now, I think each member of Council ought to make himself master, as far as possible, of all the work before the Council, and that he too would find the double business too much. I also think that the subordinate Governor of Bengal ought not to be a member of the controlling body; the two offices are incompatible with each other. I may mention the practice has hitherto been to appoint the senior member of Council deputy-governor, without regard to his qualifications. Then again, the constant change occasioned thereby is very inconvenient; in twelve years there were nine changes of the Governor of Bengal, including those of the Governor-general. Lastly, there are about three months in the year in which the Governor might itinerate through the various districts of the Presidency, and I think it is very important that he should make those personal visitations; I believe the great efficiency of the Government in the North-western Provinces is mainly owing to those personal visitations of the Lieutenant-governor. But of course, if this plan be adopted, you must appoint to the Governorship of Bengal some person who is thoroughly conversant with all the details of the administration, in the same way that the Lieutenant-governor of the North-western Provinces is now.

1592. Supposing that plan to be adopted, your opinion would be in favour of naming a Governor of Bengal without a Council?—Yes.

1593. Do you think it would be necessary to have a Council if the Governor of the Presidency of Bengal were a man who was not practically conversant with Indian affairs?—Yes; I should say that a stranger to India would require a Council.

1594. What is your opinion as to the power of control of the Governor-general in Council over the minor Presidencies; ought it to be increased, or ought it to remain as it is, or ought it to be diminished?—I think it should remain as it is.

1595. You would not give more power to the minor Presidencies, reserving the legislative power to the Governor-general?—No; I think it would be contrary to the principle of centralization which is now acted upon.

1596. What is your opinion of giving more power to the Governors in Council of the minor Presidencies as to the expenditure for public purposes?—With regard to that, they are now allowed to spend to the amount of 10,000 rupees without any reference; above that amount they must refer. Then again the Home authorities prohibit the Government of India from spending more than 50,000 rupees without reference to them; and neither can the subordinate Governments nor the Government of India establish any new office without reference to the Home authorities.

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1597. Has any inconvenience or injury to the public service come to your knowledge from that restriction, in the first place, as to the amount of expenditure by the minor Presidencies?—I am not aware of any.

1598. Nor from the necessity of reference home for sanction of a larger amount of expenditure?—No; the communications now are so very rapid that I do not think any inconvenience has resulted from it.

1599. Would it, in your opinion, be an advantage if the Home Government were to attach to the General Council a member from each of the minor Presidencies?—Yes; I am decidedly in favour of that.

1600. Will you give the Committee your reasons for that opinion?—My reason is, that the Government of India is now composed entirely of Bengal servants, civil or military. There was one instance of a public servant from Madras, Colonel Morrison, being on the Council of India, but there has been no instance of any public servant from Bombay being on the Council. The consequence is, that the Council are comparatively ignorant of what the minor Presidencies require. I think it fair they should be represented in the Council.

1601. Would you recommend a civil or military servant to be attached to the Council?—There is generally one military member in the Council, and in fact always, and I do not think they are so essential as the civil members.

1602. As representatives from each of the minor Presidencies, would you recommend that there should be civil servants or military?—Civil servants, unless a military servant happened to be conversant with civil details.

1603. Does your experience enable you to form an opinion as to the practicability and utility of diminishing the members of Council in the minor Presidencies?—I think one civil and one military member would be sufficient for those Councils.

1604. Sir *R. H. Inglis.*] Would you recommend that the number of the Supreme Council in India should be increased by the addition of one civil and one military member from Madras, and one civil and one military member from Bombay?—I think one civilian from the Bengal, Madras, and Bombay Presidencies would be sufficient.

1605. Do you or do you not wish the Committee to understand that you would recommend the addition to the Council in Calcutta of a member from the civil service of Madras, and a member from the civil service of Bombay, and a military man from each Presidency?—No; I meant to say that I thought that one military man in the Council was sufficient, and that you require a civilian from Madras and Bombay, not superadded to all the others, but that a Bengal civilian was sufficient for the Council.

1606. You would recommend one civilian from Bengal, one civilian from Madras, and one civilian from Bombay, and you would superadd a military member, but not necessarily from either of the Presidencies of Madras and Bombay?—Exactly.

1607. The Governor-general presiding over the whole?—Yes.

1608. Therefore the Council would consist of the Governor-general, the Commander-in-chief, and civilians from Bengal, Madras, and Bombay respectively?—Yes; but the Commander-in-chief is never present; he has never sat in the Council during my time.

1609. *Chairman.*] Has any inconvenience or injury resulted, to your knowledge, from the delay which occurs in the correspondence with the Home Government?—Certainly not of late years; I think the rapidity of communication obviates all those difficulties.

1610. Would you suggest any diminution in the quantity of papers and records and collections which are sent, and from the Government of India to the Home Government?—That could only be done if the Board of Control and the Court of Directors would agree to leave a discretion on certain points to the local Government; otherwise it is necessary to have every paper sent home to elucidate the subject referred. Every despatch which is sent home is sent in duplicate, and it contains all the correspondence connected with the points discussed in that reference; one copy is sent to the Board of Control, and another copy to the Court of Directors; whether it could be managed that one copy of the collections should do for both I am not competent to say.

1611. Your opinion is, that the collections ought to be as full as they now are?—Yes, on all questions referred; because it is necessary that everything connected with the subject should come home.

1612. Is it necessary for the information of the Court of Directors, as a check upon the authorities in India, that they should record their opinions?—It is necessary for the Court of Directors, to ascertain the real points of the case, and see what the reasons for the measures are, and, more or less, everything is connected with some correspondence, from the lower offices up to the higher offices.

1613. Is there any advantage, in regard to the check against abuse, in the full statement of every case in the despatches sent home?—I do not know that it has anything to do with abuses; but on questions on which a difference of opinion may arise, it is necessary for the Court to have such documents before them as will enable them to form a sound opinion upon those questions.

1614. Do you consider that the continuance of the power which at present exists in the Court of Directors, of recalling any of their servants up to the Governor-general, is useful or necessary for the maintenance of the good government of India?—That question the Committee are aware was considered at the renewal of the charter, and I must say that the reasons for retaining that power of recall appeared to me very valid, and I am strongly of opinion that the Court ought to have that power of recall.

1615. What is your opinion of the efficiency of the civil service in Bengal?—On the whole I think it is very efficient; of course there are some servants not so efficient as they might be, but they are exceptions.

1616. Can you suggest any improvement in the civil service in any respect, whether in the mode of appointment, in the character of the education, or in the regulations of the civil service?—The civil servants are now selected for the service at the age of 17, which I think is a very proper age, because at that time they have finished their scholastic studies, and are prepared to profit by an extended course of reading. But my impression is, that too great attention is given at the India College to the Oriental languages; the knowledge which it would be more useful for public servants in India to acquire while at the college is knowledge on general subjects, such as history, political economy, and jurisprudence, which they will never have an opportunity of acquiring in India. Therefore I think their principal time should be devoted to those subjects; and I would give them only such an elementary knowledge of the vernacular languages of India as should facilitate future proficiency in India, where they can best be acquired.

1617. Do you think that the mode of appointment of the civil servants is defective as to the class that go to the college?—No, I think not; because they cannot enter the college without undergoing a severe examination; but at the end of their career in the college I think they should undergo an examination by an independent Board of examiners unconnected with the college, who should have full authority to reject any one whose attainments did not reach a certain fixed standard, or whose general conduct had not been satisfactory. On their arrival in India I do not think they should be kept in Calcutta as they are now. The best mode of acquiring a knowledge of the vernacular languages would be to send them into the country. I understand that there is an examination which has just been established in Bengal, which would go very far to ameliorate the system that has hitherto been acted upon. Having been settled some time in the country as assistants to the collector and magistrate, they are to pass through an examination not only in the vernacular languages, but also in fiscal and criminal rules of practice, and they are not to be advanced till that examination is passed. This is a new rule in Bengal; it has not had time to work yet.

1618. Viscount *Mahon.*] Is the examination in the native languages, or on other subjects, necessary to be passed before they leave Calcutta, and are appointed to the lower offices?—Till they have passed an examination in two of the native languages they cannot leave Calcutta or be appointed to any office. The examination I have mentioned is after their appointment to the lower offices, further to test their proficiency in the native languages, and to ascertain their official knowledge.

1619. *Chairman.*] When the young men arrive in India is their advancement commensurate with their merits; is there, in your opinion, sufficient stimulus for exertion in the civil service?—If this examination is carried out I think it will be.

1620. Mr. *Hume.*] When was it established?—Very recently. Having passed an examination in the languages, they were sent into the country, where they

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might advance from one grade to another without any further examination; this is a further examination not only in the vernacular languages, but also in the regulations, and practice of the revenue and criminal departments; and their advancement will depend on their passing it.

1621. *Chairman.*] The present system you consider a sufficient stimulus to exertion, and to ambition to rise in the service?—They have complained lately of the slow rise in the service compared with what it used to be; there were more of the better appointments open to them in former days; the increased employment of natives has also made a difference; so that the whole allowances of the civil servants of late years have been very much reduced.

1622. Have you any other observations or suggestions to make to the Committee as to the improvement of the present mode of Government in India?—I am not aware of any.

1623. There is no change that you would at present recommend?—With respect to the subordinate Governments at Madras and Bombay, I think the same principle might be adopted in them as in the North-western Provinces and in Bengal, except that there is this considerable difference between them; the Lieutenant-governor of the North-western Provinces and the Governor of Bengal have nothing to do with the army; Madras and Bombay have their respective armies; and therefore, unless the Governor happened to be a military man, there might be some difficulty in managing the military details. With regard to Madras and Bombay, I would not have them without a Council, unless the Governor were experienced in the administration of the Presidency; because if a Governor new to India is appointed, he requires advice and information, which, if he has no Council, he must get from his secretaries, who are irresponsible parties.

1624. Viscount *Jocelyn.*] You stated that one civil and one military member were sufficient for a Council; did you in that answer allude to the Supreme Council, or do you think the same reduction might take place in the Councils of the subordinate Presidencies?—I should say that both at Bombay and at Madras one civil and one military man would suffice for the Council.

1625. In that case would you have the man who would be naturally selected to fill the office of member of the Ordinary Council to fill the office of member of the Supreme Council?—Yes; you would of course require in the Council of the Government of India the most experienced man from the subordinate Presidency.

1626. Do you see any evil which might arise, in the absence of the Commander-in-chief, and the illness of the civil member of the Council, in leaving the Governor without a Council at all?—If he were a stranger to the country I should never wish to see him without a Council.

1627. Do not you think, if the Commander-in-chief was absent, and the Governor was kept with one member in fact, that one member of Council would hardly be sufficient to assist the Governor in the light of a Council?—You cannot prevent that sometimes; for some time that I was in Council, there were but the President and myself.

1628. As you state, there was one member of the Council left; but supposing the Commander-in-chief was on service, and the civil member sick, or unable to attend the Council, that would leave the Governor without any Council?—I would rather have as member of Council a military man, independently of the Commander-in-chief, because I consider the Commander-in-chief's duties to be chiefly where the greatest part of his army is placed. At the time I was a Councillor in India we never had the Commander-in-chief present. Instead of having the Commander-in-chief as a member of Council, as he is usually absent, I would rather have another military man in the Council.

1629. Would you confine the vote of the Commander-in-chief at the Council to military matters, or would you, as at present, give him a vote on all questions that came before the Council?—No, I would not prevent his voting, because he might take up questions which were not military, and give useful advice upon them.

1630. Mr. *V. Smith.*] Do you think the chief value of a Council to a Governor-general is while he is a stranger to India?—Yes; but I think the Government of India is one of such magnitude that I would never leave the Governor-general without a Council.

1631. You

1631. You are decidedly of opinion that a Council is of great value to the Governor-general at all times, whether he is acquainted with India or not?—Yes.

1632. When you use the expression, "the Governor-general being a stranger," you mean that he thereby acquires from his Council local knowledge which he would not otherwise possess?—Yes.

1633. That new information he might acquire from the secretaries, might he not?—Unless he had secretaries belonging to all the Presidencies, a secretary from Bengal, a secretary from Bombay, and a secretary from Madras, he would not acquire that information.

1634. Would not the secretary from Bengal be acquainted with all the Presidencies?—No; you must take him from one service or the other; if he is taken from the Bengal service, I think he can know very little of Bombay or Madras.

1635. But you have stated that the Council are not acquainted with the affairs of the other Presidencies?—No, they are not; that is why I recommend that one should be taken from each of the other Presidencies to sit in the Supreme Council.

1636. But at present they are not so taken?—No; and I have felt the difficulty arising from that when matters connected with Madras or Bombay have come before the Council.

1637. You were asked a question by the Chairman as to the power of recall of the Governor-general by the Court of Directors, and you stated that it had been discussed at the period of the last renewal of the charter, and that the reasons given for retaining that power appeared to you to be very valid; to what reasons did you allude?—I alluded to the reasons which the Court of Directors urged on that occasion, that the power of recall was necessary for their efficiency and respectability, and that there was no motive whatever to abuse it, and that if it was withdrawn their Governor-general or other functionaries might set them at nought.

1638. Where do you find those reasons given?—In Mr. Tucker's Minute, written at the period of the last renewal of the charter.

1639. Does Mr. Tucker's Minute recommend a separate power of recall to the Court of Directors as it exists at present?—Yes. It was proposed at the last charter by the Ministry to withdraw that power of recall from the Court to which those objections were urged by the Court.

1640. I am not asking as to the withdrawal altogether of the power of recall, but as to placing it in the two. You are aware that at present the power of recall is absolute in the Court, but that their power of appointment is dependent upon the approbation of the Board of Control. Is there any discussion in Mr. Tucker's Minute upon, or have you ever turned your attention to, the possibility of the power of recall being on the same footing as the power of appointment?—Yes; that was the very point that was discussed in Mr. Tucker's Minute.

1641. How does he meet the objection of the power being different as to the recall and as to the appointments?—That question was considered at the time.

1642. Do you remember what Mr. Tucker says in favour of it?—It was what I have stated; that otherwise the Court of Directors might sink into insignificance.

1643. You think it would diminish the power of the Court of Directors if they had the power of recall with the approbation of the Government?—Yes, I think it would.

1644. So materially as to be prejudicial to their authority?—Yes; Mr. Tucker urged that a Governor might be lavish in the public expenditure, or he might be arbitrary and capricious in the exercise of his powers, yet if he could manage to propitiate the Government of the day, he might set the authority of the Court of Directors at nought, unless they retained the absolute power of recall.

1645. On the other hand, the present system is open to this objection, that the two different authorities might come into collision with regard to the continuance of the Governor-general in his office?—I am aware of that.

1646. Mr. *Hume.*] You consider the chance of collision on that subject of much less importance than that there should be that restriction upon the authority of the Governor-general in India?—I do.

1647. Sir *E. Colebrooke.*] You did not name the legislative councillor among

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the members of the Council that you suggested; would you recommend that that councillor should be discontinued?—I would not, for this reason: the Council of India legislate for the Supreme Court as well as for the country generally; but I do not attach much importance to that, for Acts passed with reference to the Supreme Court in India are usually copies of Acts that have been passed in this country, and the judges would be happy to help the Government in that department of legislation; but there is a great deal of codification to be accomplished in India, in which the aid of a jurist is requisite.

1648. The result of your experience is, that the Indian Government has benefited by the existence of that legislative councillor?—Yes.

1649. Do you think that if a military or a civil servant was appointed as Governor at Madras and Bombay, you might dispense with Councils there?—That depends upon whether he was experienced in the administration.

1650. You have recommended that the examination of students at Haileybury should be more severe on leaving the college; do you think it is sufficiently stringent at present on entering the college?—I believe it is.

1651. From your experience in India, do you think advantage would arise from raising the standard of qualification?—I think it would, for this reason: English education is fast spreading amongst the natives of India; they are largely employed in responsible offices, and it behoves the covenanted servants to maintain their superiority.

1652. Have you ever turned your attention to the possibility of introducing some system of competition in the examination on entering Haileybury. You may remember that under the last charter there was a system of fourfold examination and competition for appointments; do you think that that, or something like it, could be introduced?—The only plan which has occurred to me is, that all nominations of the Court should be for the general service in the first place, and then that those of the nominees who were willing should present themselves to be examined as civil servants, and that the best of these should be taken for the civil service. But I find that on further considering the matter, there is a difficulty about the ages, those who are sent out in the military department being considerably younger than those in the civil, and prudent parents would seldom incur the cost of an expensive education for their sons on such a chance of obtaining a civil appointment for them.

1653. Your suggestion is, that they should be selected in this country before they went to India?—Yes; before they went to the institution at Haileybury.

1654. Do you think any selection could be made at Addiscombe of students to be sent afterwards to Haileybury, supposing the number of appointments to Addiscombe were very largely increased?—I can hardly say; their studies are so different at Addiscombe.

1655. But they leave at an earlier age?—Yes; I have not turned my attention to that point.

1656. You have stated that the natives have been employed of late in much larger numbers than formerly. Has that, according to your experience, been successful?—Yes, I think it has.

1657. Mr. *Hume.*] Has the proportion of native servants employed increased gradually?—I do not know that it has of late. The offices in the judicial and revenue departments to which they are eligible are now pretty well filled by them.

1658. Sir *E. Colebrooke.*] Has not the employment of natives increased the difficulty of training young civil servants efficiently for judicial duties?—There was one alteration made by Lord William Bentinck at the time he encouraged the employment of natives, viz., the abolition of the office of register, which was, I think, very prejudicial, for in the department of civil justice the first office which a person holds is a judge of appeal, without having had any previous experience in the trial of original suits.

1659. Mr. *Hume.*] You consider a Council as requisite; you made use of the expression, "provided a Governor experienced in the affairs of India were not appointed." Do you mean by that, that it is your opinion that it would be beneficial for the interests of India if the Governors of those Presidencies were selected from among the Company's servants experienced in India, instead of being, as they often are, persons altogether unacquainted with India?—Yes, I think it would be beneficial.

1660. Are there not many questions connected with the duties of the Government which have been referred from Madras and Bombay to the Council in Calcutta

Calcutta, in which time and trouble might have been saved had the Governors of those Presidencies been such experienced men as you allude to?—I cannot recollect any particular case of that kind; there are certain questions which, whoever may be the Governor, must be referred.

1661. What do you mean by the expression, "a Governor experienced in the affairs of India"?—I meant a Governor experienced in the affairs of the particular Presidency.

1662. Are we to understand from you that the Governor of Bombay should be selected from the most talented members of the service of Bombay, instead of the Government being filled up by a stranger from Europe?—Yes. I do not mean to say that there are not some persons of general experience in the affairs of India who might make very good Governors of either of those Presidencies. I would not restrict it to the servants of the Presidency, though, on the whole, the servants who had been in the particular Presidency would be the most suitable for Governor.

1663. Do you mean to express a decided opinion that the Governors of Madras and Bombay might with great advantage to the interests of India be selected from the old servants of the Company in either of the Presidencies?—Yes, that is my opinion.

1664. You were asked how far you considered that an alteration could be made in the mode of remitting home collections on different subjects referred to the Home authorities; did I understand you to say that all points should be controlled by the Home authorities, and that you thought no alteration could take place, but the papers ought to be sent home in the fullest detail, in order to give all the information required?—I said that unless the Court of Directors and the Board of Control could agree to leave the Governments of India more discretion, whatever had come before the local Governments ought to be sent home, in order to enable the Home authorities to form an opinion.

1665. Can you offer any opinion as to the extent of discretion with which the Governments of India might fairly be entrusted?—That is a question I cannot answer on the moment; but I think the Home authorities might be content to leave minor matters to the local Governments: at present every question, whether important or unimportant, is sent home.

1666. You think a certain discretion ought to be given to those Governments as to the points that ought to be controlled from home?—I think the Home authorities might allow them some discretion; but when questions are referred home, I would not wish to place any limit on the papers sent with those references.

1667. You mentioned that 50,000 rupees was the amount of the expenditure to which the Governor-general could go without reference; does that apply to military expenditure?—It applies to expenditure on public works.

1668. But under public works, drainage and roads are comprised?—Yes.

1669. Does the limit apply to any portion of the military establishment, or can they increase any portion of the military establishment without reference to the Court of Directors?—An increase of the military establishment is generally a matter of emergency, and is done by the Governor-general in Council at once; otherwise, if it is not a matter of emergency, he must refer the matter home.

1670. In case of a councillor coming away, is it not the case that there is a provisional councillor generally appointed to succeed?—Yes.

1671. It has been stated that the Governor-general may be absent, and the Government left without a Council; do you not think that a civil servant might be appointed provisionally to take a seat at the Council Board, whenever, from sickness, the councillor was obliged to be absent?—I see no objection to that.

1672. Would not that fill up the vacancy, and prevent the Government being left without any Council?—Yes, I think it would be very desirable.

1673. Am I correct in supposing that if a councillor is taken ill, and necessarily absent from the Presidency, his place at the Council is not filled up?—No, it is not.

1674. Then my question to you is, whether such a provision would not obviate the inconvenience you have now stated, of the Government being left altogether without the advice of a Council?—Certainly it would; but then the question would arise as to the salary.

1675. The person succeeding would receive a certain portion of the salary?—The salaries are fixed by statute; you cannot diminish or increase them.

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1676. In the case of a judge or collector leaving his office for a certain period on leave, what is the rule as to the allowance he draws during his absence?—There are certain deductions made from it.

1677. Do you see any difficulty in the same deductions being made from the allowance of a councillor, if he is unable to discharge his duties as councillor?—Not the slightest.

1678. Would it not be just, and meet the inconvenience that happens now when sickness takes a councillor away from the Presidency?—I think it would.

1679. Sir *R. H. Inglis.*] Is it or is it not the case, that when a councillor is appointed by law, whatever may be the understanding, there is no limit to the duration of his service?—There is nothing in the law limiting it, that I am aware of.

1680. There being nothing in the law which limits the duration of the office of councillor, is it or is it not the fact that five years is the ordinary duration of service allowed to a councillor?—Yes, it is.

1681. Do you consider that it would be desirable that the councillor should retain his office for a longer period than the customary one of five years?—No, I do not think it is desirable.

1682. You think the succession to the office is an encouragement to the civil members of the service?—Yes, it is.

1683. If it were stated by any man that he had resigned the service, because he had no longer a seat in the Council, would you consider that an exceptional case, and that, generally speaking, men resign their seats in the Council at that period of life when they were wishing to come to Europe?—Some men are compelled to remain in the service afterwards, but those are exceptions; the general feeling is, that a person having filled the high office of councillor should resign the service and return to England.

1684. Mr. *Hume.*] During the time you were in the Council was not the Governor-general absent a great portion of the time?—Yes, the greater portion.

1685. After the opinion you have given of the advantage which the affairs of India would derive from members of the civil service of Madras and Bombay forming part of the Bengal Council, is it your opinion that the Governor-general should ever be allowed, when absent from his Council, to give directions on the important affairs of India?—The reason of the Governor-general going away is a case of emergency, as war; and if the Council could accompany him, it would be an advantage.

1686. The greater the emergency do not you think the greater the necessity of having experienced councillors to assist the Governor?—Yes.

1687. Would not the advantage arising from the experience of the councillors much more than counterbalance any additional expense of the attendance of the Council with the Governor-general?—Yes, I think it might.

1688. Is it your opinion that the well-being of India, which the Governor-general has to superintend, would be promoted by the Council being invariably attendant on the Governor-general?—Yes, I think it would; and his being disunited from the Council is, I think, a disadvantage.

1689. You have given an opinion that the Government of Bengal should be separate from the general Government, in the same manner as the Government of the North-western Provinces is separate. Is it your opinion that the public interests of India would be served by the Governor-general and his Council making tours and visitations in different parts of India, to see them, and themselves to become acquainted with the local business?—Yes, that was one intention of the last charter, I believe; and I think it would be advantageous for them to visit occasionally the different provinces.

1690. Lord William Bentinck once held a Council in Madras, but in your time has the Governor-general ever had the benefit of an experienced Council with him, when absent from the Presidency?—Never.

1691. Is it your opinion that he ought to have it?—Yes; but it would be very inconvenient if the whole Council were often removed away from the Presidency.

1692. Mr. *Mangles.*] And not only very inconvenient, but very expensive?—Yes.

1693. Mr. *Hardinge.*] With regard to the method of transacting business in the Council, the papers in the first instance are sent round from the different secretariats

secretariats to the Governor-general, and then to the Members of Council?—Yes.

1694. In the event of the measures proposed by the Governor-general being adopted, such questions do not come before the Council under the present system on the Council days?—No.

1695. That was not always the system?—Formerly the system was different; every paper was circulated, and every paper was brought up to the Council on Council days. Lord Ellenborough introduced the present system, which is this: the papers are circulated to the Governor-general, and then to all the Members of Council. In ordinary matters the Governor-general writes orders on the back of the papers, in which, if the Members of Council concur, they subscribe their initials, and letters in conformity therewith are despatched from the secretary's office. If a Member of Council dissents, he writes "reserve," and the case is then brought before the Council for discussion. In other matters the Governor-general reserves the case for discussion, or minutes upon it, when the Members of Council do the same; or a Member of Council may record a minute at once, while the papers are in circulation.

1696. Mr. *Herries.*] That alteration promoted the despatch of business?—Yes, very much; formerly the Council used to sit many hours, whilst the dockets of all the papers were read, which was a useless consumption of time.

1697. Mr. *Hardinge.*] Have the Council during your time experienced inconvenience from not being in some cases familiar with questions referred to them from Madras and Bombay?—I can speak for myself that I have experienced such inconvenience, and have been glad, occasionally, to refer privately to a member of the Law Commission for information.

1698. You think the inconvenience is sufficient to warrant a change?—Yes, and I think that those Presidencies should be represented in the Council, in order to give confidence to them.

1699. How are the powers, which are now delegated to the Governor-general on leaving Calcutta, defined?—They are defined by a resolution in Council. The Governor-general leaves the Council with all the powers of government, except what are reserved to the President in Council. Perhaps I had better put in one of the resolutions which are usually passed, which I have brought with me. This is a resolution in Council declaring what the distribution of the business shall be.

[*The same was delivered in, and read as follows:*]

RESOLUTION.

Fort William, Home Department,
10 October 1848.

THE Governor-general in Council has resolved that the following portions of the business of the Government of India shall be conducted by the President in Council during the absence of the Governor-general.

1. All business of routine and detail in the Military Department, excepting such as may arise within the North-western Provinces.

2. All business in the Secret and Foreign Departments arising within the territories subject to the Government of Bengal and the Presidency of Madras; all business arising in Mysore and Coorg; and all business of routine and detail in the said departments arising within the Presidency of Bombay.

3. All business in the Home and Finance Departments, excepting business arising within the North-western Provinces.

4. Provided that all appointments which are made by, or require the confirmation of, the Governor-general in Council, shall be made and confirmed by the Governor-general.

Subordinate Arrangements.

1. Upon all occasions of special importance in the management of the several branches of administration to be conducted by the President in Council, which are not of a nature to require immediate orders, as well as on all propositions involving any essential change in the system established in any departments, the President in Council will consult with the Governor-general before coming to a final decision.

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2. Except in urgent cases, drafts of Acts will not be promulgated for general information without the assent of the Governor-general to such promulgation.

3. The President in Council will direct the following papers to be furnished to the Governor-general, for his information:

(1.) Copies of all letters from the President in Council to the Honourable the Court of Directors and the Secret Committee.

(2.) Abstract of the proceedings of the President in Council.

(3.) The originals or copies of abstracts of the proceedings of the subordinate Governments requiring special notice, and copies of any orders passed on the perusal of them.

(4.) The originals or copies of letters from Boards, or from the Sudder Dewanny or Nizamut Adawlut, involving the character or conduct of the covenanted servants of Government, which may be submitted to the President in Council by the Deputy-governor of Bengal.

(5.) The Governor-general will direct copies of all letters from himself to the Honourable the Court of Directors and the Secret Committee to be furnished to the President in Council for his information.

(6.) The Governor-general will forward to the President in Council copies of the whole of his proceedings, so that the record may be made at the Presidency of the Governor-general's proceedings, and the series be kept complete by incorporating them with those of the President in Council, for transmission and report to the Court of Directors.

4. Respecting letters addressed in all departments by the subordinate Governments to the Honourable the Court of Directors and the Secret Committee, the Government of Bombay will be requested to transmit copies of all such letters to the head-quarters of the Governor-general, who, after perusal, will forward them to the President in Council; and the Governments of Bengal and Madras will be requested to transmit copies of all such letters to the President in Council, by whom, after perusal, they will be forwarded to the Governor-general.

1700. You have recommended that there should be a permanent Governor of Bengal; would you recommend any change with regard to the patronage, or would you grant the whole of the patronage of Bengal to him?—No, I would not do that. The statute under which the Lieutenant-governor of the North-western Provinces is appointed enables the Governor-general in Council, in appointing the Lieutenant-governor, to limit his authority in any way he thinks fit, and of course he might make what arrangement he deemed expedient respecting the patronage.

1701. You would have it on that footing?—Yes, I would. I would not deprive the Governor-general of the patronage of the higher appointments; but I think it would be proper to give the patronage of the other appointments to the Lieutenant-governor.

1702. The arrangement between the Governor-general and the Governor of Bengal on going up the country is a private arrangement?—Yes; the patronage of the higher appointments the Governor-general reserves in his own hands when he goes away.

1703. Mr. *Mangles.*] You spoke of the absences of the Governor-general from Calcutta, and you spoke of them as being on occasions of emergency; do not you think that point of emergency has been rather overstrained?—I think not, at the period of departure; but perhaps the Governor-general may have remained longer away than was necessary.

1704. Do you remember Lord Amherst going to the Upper Provinces?—No; the only occasion on which the Governor-general has left the Presidency when I was there was on the occasion of war.

1705. Do you remember whether, when Lord Auckland went to the Upper Provinces, there was any emergency?—I am not aware whether there was or not, for I was not in the Council at the time, and I do not know the grounds upon which he went away.

1706. Is there not a tendency on the part of the Governor-general to remain in the Upper Provinces too long, under the imaginary notion that he can manage matters when close at hand better than when he is at Calcutta with his Council; and do not you apprehend that matters could be as well managed in most cases by the Governor-general in Council in Calcutta, except in cases of emergency?—Yes;

—Yes; I would only recognise cases of emergency; it is a great hindrance to public business when the Governor-general is away.

1707. Except in cases of emergency, you would be disposed to restrain the Governor-general from going away, and remaining away from his Council?—I would.

1708. You spoke of the necessity of a Council for an inexperienced Governor of Bengal; do you think it would be desirable that inexperienced men should be appointed to such an office, or that such men as Lord Metcalfe, Sir George Clerk, or Mr. Thomasin, who have been successive Governors of the North-western Provinces, should be selected for that office?—I think I have expressed my opinion that the person appointed ought to be a person of experience.

1709. You said that you thought that it would be desirable to select members of Council from each of the subordinate Presidencies of Bombay and Madras, and that you thought one member would be sufficient for Bengal?—Yes.

1710. Is not the difference between the circumstances of the North-western Provinces, the Punjaub, and Bengal as great as between Bengal and either of the other Presidencies?—I do not know much about the Punjaub; in the circumstances of the North-western Provinces there is a great difference, but information is more easily acquired respecting them. The secretaries, for instance, may be from the North-western Provinces, as some of them have been of late, and they may be referred to for purposes of information; I do not mean for advice.

1711. You think that for the enormous tract of country which is comprised in the North-western Provinces and the Punjaub, one Member of Council would be sufficient as the adviser of the Governor-general?—It may be doubtful; but the general circumstances of the country do not differ very much in many cases, and in many cases they are similar.

1712. Sir *J. Hogg.*] As the law now stands, may not the three ordinary members of the Supreme Council of India be selected from servants belonging to any of the Presidencies, and belonging to either the civil or military branch of the service?—Yes.

1713. As the law now stands, may not the Governor-general in Council assemble the Supreme Council of India, not only in any part of the Presidency of Bengal, but in any part of the Indian territory?—Yes.

1714. Mr. *Mangles.*] You were asked about the amount of emulation existing in the civil service; do you or do not you think that too much attention is paid to seniority in selecting persons for office?—I think that has been so; but of late that system has been much broken through, I think with great advantage.

1715. *Chairman.*] In case the plan which you recommend, of making the Bengal Government distinct from the general Government, was adopted, should you recommend that Calcutta should remain the seat of Government of India, or would you recommend that the seat of Government should be removed?—I do not think that having a separate Government of Bengal would affect that question.

1716. Would you recommend any change in the seat of Government?—I do not see any great necessity for it. I anticipate the time when the transmission of intelligence by electric telegraph will make it a matter of little importance where the seat of Government may be.

1717. Sir *R. H. Inglis.*] You have stated that by law the Governor-general may call upon his Council to assemble not only in Bengal, but in any part of India. Can you state whether in any instance that power has been exercised, and the Governor-general has sat in any other part of the Indian territories than the Presidency of Bengal?—Certainly not since the last Charter Act.

1718. Mr. *Hume.*] You spoke of telegraphic communication; to what extent is the telegraph now employed in India?—An electric telegraph has lately been established between Calcutta and Kedgeree, a distance of about 70 miles.

1719. Are you aware of any objection to extending the communication to Benares and the westward?—On the contrary, I should recommend its being extended to Agra, Peshawur, Bombay, and Madras, and throughout the country.

1720. Would not that communication with the north-westerly extreme points be of very great advantage in the every-day proceedings of the Government?—I do not know as to the every-day proceedings, but certainly it would be an immense advantage.

Colonel *William Henry Sykes*, F.R.S., called in; and Examined.

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1721. *Chairman.*] YOU have served in India?—I have; I landed in India on the 26th of May 1804, and I returned finally to this country in 1831.

1722. At present you are one of the Directors of the East India Company?—I am.

1723. Will you be good enough to give the Committee your opinion as to whether the number of Directors could be safely or usefully diminished?—With permission, I will give the progress of a despatch through the Court, and the Committee will then be enabled to determine themselves in what degree the efficiency of the Court would be effected by a diminution of its number. The Court is divided into three Committees: the Financial, home and naval; the Political and Military; the Revenue, judicial and legislative. The first consists of eight members, the second of seven, and the third of seven; the Chairs are members of each of those three committees. When a despatch arrives from India, by a resolution of the Court of the 10th of December 1834, the advices received are referred to the respective committees under the direction of the Chairs, whose duty it is to consider the replies to be made thereto. In accordance with that resolution, for instance, on the 12th instant, advices from Bengal, Bombay, and Madras regarding political, financial, revenue, and judicial matters were referred to the respective committees, under advice from the Chairs; the Chairs prepare the drafts and submit them to the committees. I will take, for instance, the Political and Military Committee of seven members; it meets once a week, and is generally very well attended; from six to seven members of the committee are almost always present. The committee receives the draft and considers it for the whole of the next week; it goes into each of the Directors' rooms, and the Directors compare each paragraph with the details which have come home from India; and these details are absolutely necessary to enable each of the Directors to compare the paragraphs and to verify them with the details. At the end of the week, at the next meeting of the committee, the draft is laid before it; each member of the committee having had an opportunity of forming his own judgment upon the paragraphs, and having made his marginal notes, proposes in the committee such changes as he thinks necessary; those changes are discussed in the committee, and are put to the vote, and adopted or not adopted. The draft has therefore undergone the ordeal of a week's inquiry, investigation, and discussion in the committee, and it is then sent up to the table of the Court, where it remains for one week, or longer if desired. Then the other members of the Court who desire it inform themselves respecting the draft, and they take it into their rooms, and at the end of the week it is discussed in the Court, and any member of the Court has a right to propose alterations in the draft, and has a right to put them to the ballot, and they are finally determined by ballot if desired. Such being the course adopted, the draft, as finally approved of by the Court, is sent by the Chairs to the Board of Control. The Committee will be able to judge from this description, of the guarantees there are for every branch of a subject being thoroughly sifted and investigated by such a system. Probably in no other government on earth are all the questions that arise, more thoroughly sifted. Then added to that, a system of indexing exists in the India House, which will enable any member of the Court to have produced within five or ten minutes any documents whatever, unless they happen to be buried in the cellars. The Committee will see that it would diminish the efficiency of the Court and the present certainty for the full consideration of drafts if the number of the Court were considerably diminished; because the number of seven, or eight on a committee, and ten in one case, with the aid of the Chairs, leaves a margin for frequent absence from sickness, from business, or from other causes, without impairing efficiency.

1724. Then I understand that it is not your opinion that any reduction ought to be made in the number of Directors, or in the distribution of the business of the Court?—Most decidedly not.

1725. You have considered, I believe, the method of electing the Directors; will you state to the Committee what your views on that subject are?—I have had in my thoughts for many years past the following plan, which I have not discussed with anybody. I have divided it into heads: first, as knots of interests are less likely to influence large than than small constituencies, the right to vote might

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might be given to the holders of 500*l.* India stock, the right at present being restricted to the holders of 1,000*l.* stock; that would considerably enlarge the constituency. Secondly, a candidate for the India direction, on declaring himself, should address a letter to each proprietor of India stock, stating in detail the grounds upon which he sought his or her suffrage, and terminating with a request that the said letter might be transmitted within one month, or any other limited time, of its receipt, to the committee of bye-laws at the India House endorsed by the proprietor, in case the candidate were approved of, with the words "Eligible for the Electoral College." Thirdly, on the occurrence of a vacancy in the India direction, the committee of bye-laws to assemble and prick a list of proprietors of India stock until 300 or 400 names of male proprietors be obtained; these names to be put into an urn, and 25 names drawn out to constitute an electoral college, of which 5, 7, 11, or 15, or any other number, might be a quorum. Fourthly, without publishing the names of the persons so drawn, the committee of bye-laws to write to each individual so drawn, inviting his attendance in London on a certain day, within a limited period of a week or 10 days. Fifthly, on the assembling of a quorum out of the 25 on the day appointed, the committee of bye-laws to hand over to the electoral college or committee so constituted the whole of the letters, papers, testimonials, &c. of the several candidates. Sixthly, on the same day the electoral college to take into consideration the several pretensions of the candidates, and after careful deliberation to recommend one of the candidates to the favourable consideration of the proprietors by public advertisement. These are my comments. The electoral college, while at all times desirous of selecting for recommendation to the proprietors the most distinguished of the candidates, would probably be influenced also by a desire to preserve certain proportions or ratios in the classes constituting the Court of Directors, whether of the civil, military, or other servants of the Company, or of the men eminent in civil life, who might not have been in India, and who should at all times form a part of the Court. I think it essentially necessary that the Court should not consist exclusively of Indians. All expenses incurred in carrying out the preceding arrangement should be defrayed by the successful candidate, after election. The above plan, or some modification of it, although not free from objections, would probably be found to work satisfactorily; it would obviate personal canvass; for few rightly constituted minds would condescend to try to influence the proprietary body in substitution of the prestige of the recommendation of the electoral college or committee. They would lose caste by doing so. It would probably insure an early seat in the Direction to distinguished Indian servants, while men eminent in civil life in England would be brought in to preserve the ratios of the classes. An arrangement upon an analogous principle, although with the objection of a permanent electoral college, exposed to solicitations, has worked well in the Royal Society. In 1847 the elections into the Royal Society took place at the weekly meetings; the attendance of fellows was small and uncertain, and cabals contrived to bring in gentlemen who had no proper title to F. R. S. A reform took place; the elections were to be made once a year, and the Council was to recommend the proper candidates for election. There was considerable opposition to the measure both in and out of the Council; but it was ultimately carried, and has worked eminently well. Personal canvass has ceased, and the recommendations of the Council have never been rejected. I was in the Council at the time, and a vice-president of the Society; and as the principle was in accordance with my previous views, I gave the measure my aid.

1726. That is the plan which you would propose?—That is a plan, which I think would work so as to bring in eminent servants from India, without a distasteful canvass, while at the same time it would not exclude persons eminent in civil life in England; such as bankers, merchants, or men who had been distinguished in the arena of the House of Commons.

1727. Do I understand you rightly, that you would make it compulsory upon every candidate to follow that course which you suggest?—I do not think a candidate would consult his own interest if he adopted any other course, for an man who attempted to canvass the proprietary body independently of the electoral college, would so lower himself in the moral estimation of the whole body, that he would certainly decide his own fate.

1728. Would you, or would you not, make it part of an Act of Parliament that that course should be adopted?—If it were to be adopted at all, I think it should

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should be adopted upon competent authority, either by Act of Parliament or by a bye-law of the proprietary body, in case the proprietors have the power.

1729. As it is now, that plan might be adopted if it met with the general assent of the proprietors?—I think not. As far as the India stock is concerned it would require an Act of Parliament to enable the proprietors of India stock holding 500*l.* to vote.

1730. But would you introduce into an Act of Parliament the rest of your proposed plan; if you introduce it into an Act you must make it compulsory; and my question is, would you make it compulsory upon every candidate to follow that course?—As a remedy to the existing evil which everybody complains of, I should recommend this plan to be adopted. I am opposed to all compulsory action, but I should prefer this plan being adopted to leaving matters in their present state.

1731. The electoral college would be selected by ballot, or chance?—Yes; it could not be known to any one who would be the members of that body.

1732. Do you believe that the present system deters proper candidates from offering themselves to the proprietors for election?—I have no doubt about it.

1733. On what grounds do you entertain that opinion?—They will not condescend to undergo the ordeal of soliciting persons in various grades of life for a period of seven years, which was my fate; and moreover, men who have distinguished themselves in India come home at that late period of life that such a labour before them would amount to a very considerable physical inconvenience. There is also expense accompanying it; and after all, there is the chance of being thrown out, and the whole labour lost. Many men have commenced a canvass, and have abandoned it.

1734. Do you consider that the change that was made by the last Act, of allowing proprietors to vote by proxy, has been beneficial, or otherwise?—I think it has been beneficial; on the principle that it enlarges the constituency, and therefore renders the action of knots of interests less influential.

1735. You stated that the expenditure of a candidate must be great; in what way is it great?—In travelling about the country, and in having committees; and a candidate is obliged to have a permanent clerk to keep his books; the cost to me was 2,228*l.* I was seven years about it.

1736. Viscount *Jocelyn.*] How many times did you stand?—Twice; two contested elections.

1737. *Chairman.*] If the qualification were lowered to 500*l.* stock, have you any idea what the increase to the constituency would be?—No, I have not, but it could be furnished from the India House.

1738. Sir *R. H. Inglis.*] You have stated that your aggregate expense for a seven years' contest was 2,228 *l.* Do you wish the Committee to understand that that expense was directed solely to paying a clerk, and hiring some rooms, and agency where necessary; or did it also include the refreshments continuing for a long time of gentlemen who served on your committee?—Only refreshments to my committee at the time of the election; not at other periods.

1739. The number of votes appears to be 2,322, consisting of 413 who have more than one vote. You cannot supply the Committee with any return in your own actual possession of the number which would be added by lowering the qualification to 500 *l.* stock?—I cannot.

1740. Mr. *V. Smith.*] Does the sum you mention include the expense of polling; is it not the custom for the candidates to pay the expenses of persons coming up to poll?—They do not come up, they send proxies.

1741. There are no expenses attending the actual election?—None but your own committee, and the refreshments you give them.

1742. I do not for a moment apply it to your own case, but have you ever known imputations of bribery at any election?—Never.

1743. The expense of postage and advertisements is your whole expense?—Yes, and journies to Scotland and Ireland, and elsewhere.

1744. Who were the members of your committee?—They should all be proprietors.

1745. There were no expenses attending them; their services were gratuitous?—Entirely.

1746. Sir *J. Hogg.*] This is your own individual plan?—Yes.

1747. It is not one that you have suggested to the Court?—No.

1748. Mr. *Labouchere.*] Have you any reason to believe that it is assented to by others?—I have never mentioned it abroad, or mooted it in any way.

1749. Mr. *Hume.*] We understand you to say that that plan has been found to work beneficially in the Royal Society, and that that is the origin of it?—It is not the origin of it, because it was in my mind before the Royal Society adopted an analagous plan.

1750. Mr. *V. Smith.*] As you stated that you did not wish the plan to be a compulsory one, but in the option of the proprietors, can you state whether, from your acquaintance with the proprietors, they would be favourable to it?—It would not compromise the power of the proprietors to vote as they thought fit; it would be merely the selection by the electoral college of A. or B. A proprietor might vote for C. or D., if he liked; but the probability is that he would not do so, and recommendation coming from the electoral college, it would make the chances of any other candidate very small.

1751. Can you suggest whether the proprietors would avail themselves of that plan?—I cannot, because I have not communicated with the proprietors upon it. If an individual were recommended by the electoral college, it would be useless for any other candidate to canvass the proprietors; that has been the case with the Royal Society.

1752. Sir *J. Hogg.*] Seven years is a long time in the canvass?—A desperately long time.

1753. It very much exceeds the average, does it not?—I believe not.

1754. It considerably exceeds the average at the time you were elected?—Sir William Young was eleven years and Mr. Warden was seven years in the canvass I believe.

1755. Mr. Bayley was not so long in the canvass?—No, he came in upon the *prestige* of his name and with powerful interest combined.

1756. *Chairman.*] Could not the committee of bye-laws adopt your plan if they thought fit now?—I am not competent to express an opinion whether the committee of bye-laws have the power or not. The committee of bye-laws is appointed by the proprietary body to ascertain that the bye-laws are carried out by the Court of Directors, and adhered to and acted upon; and that committee of bye-laws report annually to the proprietary body that they have ascertained that the bye-laws have been acted upon by the Court of Directors.

1757. The mode which you suggest is, that the committee of bye-laws should prick a certain number, out of which the electoral college was to be chosen: at present, could not the candidates ask the committee of bye-laws to act in that way, and send a circular to the proprietors, recommending certain candidates?—I do not think the committee of bye-laws would do it, nor do I think all the candidates would consent to ask the committee.

1758. Could it be done?—I do not think it could practically.

1759. With regard to the distribution of the patronage by the Directors, do you consider that the distribution of the patronage is fair and just to the sons and families of the servants of the Company?—I do. I think the distribution of the patronage, as it is now given away, is perfectly free from all those objections to which it would be exposed if it were in the hands of the Government, or if it were in the hands of a differently constituted body from those who now distribute it; it is now given away by individuals of the Court in a multitude of instances to the relations of those who have claims from their public services in India; it is given away by individual Directors in a manner perfectly harmless. I do not believe one cadetship in a hundred is given away for political considerations. I had the idea when I entered the Court, which I believe is entertained by a good many other persons at this moment, that the patronage was not given away fairly, and that a sufficient portion of it was not given to the officers, civil and military, of the India service, or to their widows and orphans; and therefore, on the 15th of November 1843, for my own satisfaction, I had drawn up the following statement of the distribution of the patronage by the Court in the preceding seven years, and I find that there were given to the sons of officers of the Company's army of and below the rank of captain and surgeon, 128 appointments; there were given to the sons of officers of the ranks of major, lieutenant-colonel, and superintending surgeon, 143 appointments; there were given to the sons of officers of the ranks of full colonel and major-general, 77 appointments; the total given under those circumstances was 348. There were also given during the same period to the sons of officers of the Royal

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army and navy, who serve in India as Company's servants, and have a fair claim to a share of the patronage, 380 appointments. There were given to the sons of Indian civilians, 105; to the sons of clergymen, 205; and to all other classes besides only 938, out of a total of 1,976 appointments from 1st January 1836 to 1843. So that, in fact, the greater proportion of the patronage was given, not only in an unobjectionable way, but in a most praiseworthy way. That return was obtained for my own information, from the official documents, and it was so satisfactory to my own mind that I never inquired further; and I am perfectly satisfied that Parliamentary returns, when called for, will confirm this view of the subject.

1760. What is your opinion of the plan of selling a certain number of cadetships?—I think it would be derogatory to the Government of the country and to the Directors. I do not think it would be acceptable to individuals, because it would give feelings to those individuals who bought their appointments different from those who got them gratuitously; and, as a whole, I think it would be decidedly objectionable.

1761. Mr. *Hume.*] How far do you consider the present practice, by which the power of sending certain despatches to India without the knowledge of the Court of Directors, and keeping those despatches secret from the Court for a number of years, ought to be continued or modified?—I am not favourable to secrecy in the administration of public affairs at all, wherever it can be dispensed with; but there may be circumstances which may render secrecy necessary, and very possibly, in our relations with the Indian Governments. But I think the Secret Committee should have the power at all times of recording their opinions upon any despatches sent through their hands, although merely the conduit to receive the despatches transmitted by the President of the Board of Control to India, it appears to me that, in justice to themselves, they should have the power of putting upon record their opinions upon those despatches; and I think they should have the power also of consulting their colleagues in secret Court, with regard to the opinions of the majority of the members of the Court upon any important question, if they should see it right to do so. It has been said that this would, in fact, diminish the responsibility of the President of the Board of Control; but so far from its diminishing, in my opinion, the responsibility of the Board of Control, it would enhance it in this way: there are matters of policy connected with questions belonging expressly to the Secret Committee, which, on being carried out, might disorder the finances of India, which might affect a native sovereign, and might touch a chord of sympathy in a whole people, and be exceedingly dangerous in their results. When the President of the Board of Control sends any order, he does not ask the Secret Committee their opinion upon it, but he merely sends the order. The Chairs, probably much better informed than the President of the Board of Control would be of the affairs of India, represent such and such circumstances. The President of the Board, who of course has his information from the officer at the head of the political department (these matters belonging to the political department), thinks that his opinion and that of his officer is as good as that of the chairman and the deputy and the senior members of the Secret Committee; but he would not think so, probably, if the chairman and deputy chairman had the power of asking their colleagues in the Court, men experienced in the affairs of India, and acquainted with the feelings of the people, what their opinion was, and the two Chairs went back to the President of the Board, and said, on this particular point, such is the opinion of such and such of our colleagues; then, although the power of the President of the Board would remain precisely the same as it was before, to carry out his measure, if he did carry out his measure against the adverse opinion of the Chairs, and of competent members of the Court, it would necessarily enhance his responsibility, instead of diminishing it.

1762. Are we to understand you to say that the Chairs and the senior member, or other member forming the Secret Committee, should in all cases, where they dissent from the orders which they are obliged by law to transmit, have the power of entering their dissent, and their reasons why they dissent?—I think it would be most advantageous if they had that power, and I am glad to see that a late Chairman of the Court, who has had considerable experience, has expressed the same opinion.

1763. Do you consider that that opinion ought to be made known to the

General

General Court as soon as possible, or at what period do you consider that such opinion or dissent should be reported to the General Court?—I do not see that there would be any necessity for making a report; it should be kept secret, until legally called for.

1764. Are you of opinion that the law as it now stands is satisfactory, which allows proceedings to be conducted through the Secret Committee, in declaring war, and carrying on war, and under which system years may pass before the Court of Directors are made cognizant of any proceedings relating thereto?—My opinion is, and I have expressed that opinion very strongly both in and out of the Court, that if the Chairs had had the power of recording their opinion, and consulting their colleagues in Secret Court, the Afghan war might probably never have taken place. And the same thing would apply to other political matters which have taken place in India, which have been accompanied with very serious financial derangements.

1765. Will you explain in what way, if proceedings had been at the time made known to the Court of Directors, those events might have been prevented?—It is put hypothetically on my part, that if the Chairs had communicated with the Court, and the sentiments of the Court had been so universally and so strongly expressed as to have influenced the President of the Board of Control not to pursue certain measures of policy, the policy, in fact, which ended in the loss of 15,000 men, and an expenditure of many millions of money, might have been prevented. It is a mere supposition; the responsibility would still have equally remained with the President of the Board, and ought to remain with him.

1766. Sir *J. Graham.*] It is a moral check, and not a legal check, that you contemplate?—Yes, quite so.

1767. Mr. *Hume.*] Were you in the Court when the Afghan war began?—Not when it began; I was elected into the Court on the 2d of July 1840.

1768. When did the war begin?—The Bengal division entered the Bolan Pass on the 16th March 1839.

1769. When did it finish?—The rear guard under General Nott returned to Jumwood through the Khyber Pass on the 6th November 1842.

1770. Had you, as a member of the Court of Directors, any knowledge of the expenses incurred, or of the proceedings adopted, until the whole of the Afghan war had terminated?—Most certainly not; as to the expenses I do not think they are known to this moment rigidly. There were some secret papers communicated to us in March 1842 about the prisoners, which we were allowed to take into our rooms.

1771. At what period?—After the Cabool disaster, during the time Mohun Lall was in prison.

1772. How many months was that from the commencement of the war?—About three years.

1773. Take, for example, the war which is about to take place, or which has already taken place, in Burmah; has the Court of Directors any information of the grounds or causes of the war, or has the matter been submitted to them?—The Court of Directors have no knowledge whatever of the origin, progress, or present state of the war in Burmah. I have twice asked for the papers, and I have been given to understand that it was not thought desirable to communicate them to the Court.

1774. Sir *J. Graham.*] With all the honour that attaches to the Court of Directors, do you think it would be possible that a secret could be kept if discussed by 24 gentlemen?—The proof of the possibility of that is to be found in the fact that the discussions with regard to the recall of Lord Ellenborough continued, even through the annual change in the direction; the secret was kept entirely to the last moment; it never escaped, I believe.

1775. Mr. *Hume.*] Have you any doubt, from the general character of the members of the Court, that all due secrecy would be maintained on matters of importance?—I have no doubt whatever that due secrecy would be maintained.

1776. Mr. *V. Smith.*] An opinion has been given here in favour of the reservation of some of the directorships for persons who have filled eminent situations in the public service in India, in order to obviate the difficulty of a canvass. Do you think that that would be possible?—I think that the practical difficulties of such an arrangement would be considerable, and it would excite very great

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jealousies and heartburnings. I do not see who is to make the selection. I do not think it could work.

1777. Sir *E. Colebrooke.*] Do you propose that the protests made by the Secret Committee against the policy which the Board of Control proposed to carry out should afterwards be made public?—Certainly, when legally called for.

1778. Mr. *Hume.*] Would not the knowledge of the fact, that the dissenting opinion of the Secret Committee might be called for at a future period, be also a good check upon the exercise of the power of the President of the Board of Control?—No doubt the possibility of anything becoming public deters parties from doing that in secret which they believe would not bear discussion openly.

1779. Mr. *Herries.*] Are you aware that that subject was a matter of very full discussion between the Government and the Court in 1832 and 1833, before the passing of the last Act, in this way, that it was proposed by the directors that they should have the power of reporting to Parliament all differences of opinion between the Government and themselves, and that after a very full consideration that was decided in the negative, and Parliament legislated accordingly?—I do not recollect the circumstances.

Veneris, 4° die Junii, 1852.

MEMBERS PRESENT.

Mr. Baring.	Mr. Vernon Smith.
Mr. Herries.	Sir Edward Colebrooke.
Mr. Baillie.	Mr. Hardinge.
Sir James Hogg.	Lord John Russell.
Sir James Graham.	Mr. Mangles.
Mr. Cobden.	Viscount Jocelyn.
Mr. Plowden.	Viscount Mahon.
Mr. Hildyard.	Sir R. H. Inglis.
Mr. Bankes.	

THOMAS BARING, Esq., IN THE CHAIR.

Colonel *William Henry Sykes*, F. R. S., called in; and further Examined.

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1780. *Chairman.*] HAVE you any further Evidence to give as to the number of voters that would accrue from the diminution of the qualification to 500 *l.* instead of 1,000 *l.*, as it now stands?—I have ascertained from the proper authorities that the holders of 500 *l.* stock, on the 14th of April last, the day of the general election, were 180; the increase, therefore, to the preceding number of votes, 2,322, would be 180; but if it were conceded to the holders of stock to vote upon 500 *l.*, no doubt there would be a considerable increase. If it be the pleasure of the Committee I will put in this Paper, which refers to the Numbers 1, 2, 3, and 4 votes.

[*The same was delivered in, and is as follows:*]

GENERAL ELECTION, 14 April 1852.

	No. 1.	No. 2.	No. 3.	No. 4.	TOTAL.
Voters - - - -	1,352	311	60	42	1,765
Votes - - - -	1,352	622	180	168	2,322

Holders of stock, 500 *l.* to 1,000 *l.* - - - - - - 180

1781. Have you any suggestions to make as to the proceedings of the Court of Proprietors; would you suggest any change in the mode of their proceedings?—I think

—I think the Court of Proprietors are a very useful body, inasmuch as they stand between the Government and the Court in certain lights; for instance, in matters which come before the Court, not the Secret Committee, the proprietary body has the right to call for information on those points, and, by the exercise of such power, it enables the public to become acquainted with proceedings in India and in the Court which they would not otherwise have the means of becoming acquainted with; so far it is useful; but I would not grant them this power of discussion without a quorum: I think a quorum is necessary in the Court of Proprietors.

1782. What number do you think should form the quorum?—My idea is, that it ought not to be less than 30; from 30 to 40; including, of course, the Directors.

1783. In other respects, your opinion would be in favour of leaving the Court of Proprietors with powers and usages as they at present exist?—I think it would.

1784. Mr. *V. Smith.*] Can you state what is the usual average number present proprietors at a Court of Proprietors?—That depends upon the importance of the question before the Court, and the interest which is taken in it. Sometimes the court is very thin, and sometimes it is very full. I cannot give an average.

1785. Is a question often discussed with a fewer number than the number you have mentioned?—At the commencement the question may be discussed by 40, or 50, or 100 persons, and it may be carried on by persevering parties to such an extent as to wear out the patience of the proprietors, so that the present number at the end of the discussion may be reduced to four or five members.

1786. That is the case in some other assemblies?—That is the case in some other assemblies, I believe, also. It appears to me that a quorum is quite necessary for the proper consideration of questions by the Court of Proprietors.

1787. How would you establish a quorum?—Simply by counting out the court, just as the House of Commons is counted out.

1788. The court would be dissolved if the number which formed that quorum was wanting?—Not necessarily so. The House of Commons does not necessarily dissolve, unless notice is taken of there not being 40 members present.

1789. If notice was taken of there not being a quorum, would that break up the court?—Upon notice being taken of it I would count out the court.

1790. *Chairman.*] Is your notion that that should terminate the discussion of the question, or that it might be again introduced at the requisition of nine proprietors?—It would require a new notice.

1791. Have you any further suggestion to make as to the subject which is at the present moment more immediately under the consideration of the Committee, viz., the mode of administering the home government and the government of India?—It may be considered presumption on my part, but my experience in the Court from close attendance to its working, induces me to express the following opinion with regard to the relations between the Board of Control and the Court. That my opinions, however, may not be misinterpreted, I would say that I think the Board of Control essentially necessary as part of the machinery for the good government of India; but it is a matter of very grave consideration whether the formidable power of the President of the Board in political matters, with a power also I believe to dip into the Home Treasury of the East India Company for political objects, is in accordance with the spirit of the free institutions of this country. In its exercise, therefore, it appears to me that there should be very great caution; that it should be fenced round with as many moral difficulties, if you cannot have legal difficulties, as circumstances will admit of. To instance the possible exercise of the power, let it be supposed the Governor-general is desirous of annexing territory; or he is desirous of arranging in some way with a native prince, matters strictly within the powers of the President of the Board. The Governor-general is quite aware that he cannot carry the Court with him on either of those points in case he addresses them in the ordinary way (this is mere supposition, but a possible case). He therefore writes privately to the President of the Board; the President of the Board adopts his views, and sends a despatch to the Secret Committee to carry out the views of the Gover-

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nor-general; of this the Court can know nothing, by the oath of secrecy of all the parties; of this the public can know nothing, and thus the Governor-general may have the power of completely controlling the Court by acting in direct opposition to the known sentiments of the Court. Under such circumstances as I before mentioned, and these now stated, it would be exceedingly desirable that the Secret Committee should have the power of consulting their colleagues in secret court, so as to be able to express the opinions of the majority of the members to the President of the Board before his formidable power should be carried into practical operation; how far the Board ought or ought not to be, what it evidently is not, "a Board," I probably am not competent to form an opinion, but the intention apparently of the Legislature originally was, that the President of the Board should be in communication with the ministry, and act in unison with their views of public policy connected with the good government of India, and this would seem to indicate deliberating as a Board. Another question is the power of recalling the Governor-general by the Court. I deem that power indispensable for the efficiency, as well as the dignity of the Court, and cases might occur where the ministers themselves might desire that the Court should have that power. The Governor-general has usually a Parliamentary connection with the ministry, he may not satisfy the President of the Board, and he may not satisfy the Court of Directors; the Court of Directors may desire to recall him, but the minister for the time being (we can imagine such cases) agreeing that he ought to be recalled, may not think it politic to give his sanction to a recall, from dislike to offend the Parliamentary connections of the Governor-general. The policy of the President could not be thwarted by the recall, as the Court has no power to abrogate the President's orders.

1792. The Court of Directors have at present that power?—Yes.

1793. And your opinion is that that power should remain as it is?—Undoubtedly.

1794. Mr. *Herries.*] And it is your opinion that the Crown should possess the power of recall which they have at present?—No doubt.

1795. You said that the President of the Board of Control had the power of dipping into the Home Treasury for political objects; will you have the goodness to explain that?—There is a Return before the House of Commons, called for, I think, by Mr. Hume, showing what sums have been paid out of the Home Treasury by the Secret Committee upon the demand of the President of the Board of Control. I am speaking from memory, but I think that a sum of 50,000 *l.* was so paid for the construction of two vessels of war. Therefore the President of the Board has that power unknown to the court.

1796. Sir *E. Colebrooke.*] Is that 50,000 *l.* the only sum that has been drawn?—I of course cannot possibly know; the whole thing has been secret. The return was called for by Parliament, and is upon the table of the House of Commons.

1797. Can you state whether the Return related to a particular demand, or was it a general return of all sums paid in that way?—I think it was a general return of all sums paid, but I am not sure.

1798. Is there no limit under the Act as to the demand that may be made?—Not that I am aware of.

1799. Have you any suggestion to make with regard to the education of the military and civil servants of the Company?—The education of the servants of the Company for the civil branch is given at Haileybury, and for the scientific and military branches is given at Addiscombe. I think the education at Haileybury has decidedly improved the intellectual standard of the civil service of late years; but I am not sure that any amount of intellectual standard which might be prescribed by the Court might not be obtained without the intervention of Haileybury, from the Universities, and without that exclusiveness which is the result of young men being educated together for a particular branch of the public service. My opinion with regard to the mode of education at Haileybury, is that, upon the whole, it is useful. I think myself, from some experience as a linguist, that it is probably carried too far in the branches of Oriental languages. It would be quite sufficient for the students if they acquired a grammatical knowledge of the prescribed languages, and in India they would much sooner acquire a colloquial knowledge than they could do in the same time in England. And I think also, that as the young men, after they leave Haileybury have no further opportunity of prosecuting studies which are of the

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highest importance to them as judges or statesmen, there should be extended instruction in law and political economy. With regard to the Military College at Addiscombe, I think that there is no establishment in Europe which does its work more satisfactorily. I think the highest scientific education can be obtained there by young men who are disposed to study, and that it is quite equal to the Polytechnic Institution in Paris, or the celebrated academy in Berlin. So satisfied was I of this, that I sent my youngest son through it, and exposed him to the temptations of a public institution, with the thorough conviction that, whatever the risks might be, his acquirements would compensate for those risks.

1800. Would you propose to abolish the College at Haileybury?—I have already said that, in my opinion, the same amount of acquirements in knowledge could be obtained without the college; the expense of the college would in that case be saved to the Court; of course the young men coming up for the civil service would have to undergo any amount of prescribed examination that the Court might think fit to adopt.

1801. Mr. *V. Smith.*] You consider the exclusiveness of Haileybury (meaning by that that young men intended for a particular profession alone are educated there) an evil?—Yes, it makes a caste of them; they are not enough men of the world.

1802. Is there not a corresponding advantage in the young men being prevented from imbibing a distaste for that profession, which they might imbibe by associating with men who were to be engaged in more home employments?—I cannot imagine a distaste being imbibed for a profession and service which is, in my opinion, the finest in Europe.

1803. That, no doubt, is a very strong expression of *esprit de corps*; but is it not an absolute fact that the young men do become disinclined to go to India if they associate much with others who are to be engaged in home employments?—Those are the exceptions to the rule; they establish the rule.

1804. Do not you think that the exceptions would be more numerous if you sent the young men to the Universities?—I think not.

1805. Mr. *Hardinge.*] As compared with Woolwich, what should you say of the education given at Addiscombe?—I am not exactly competent to say what the course of education is at Woolwich; I believe the terms at Woolwich are longer than at Addiscombe. At Addiscombe there are four terms. The whole is comprised in two years' study; I believe the terms at Woolwich are double that number.

1806. What is the proportion of Oriental languages taught at Addiscombe?—Hindostanee entirely; it is confined to Hindostanee.

1807. You would recommend no change in that respect?—No.

1808. Mr. *Mangles.*] You expressed an opinion that the education might be as well obtained at the University as at Haileybury, and you also spoke in very strong terms of the advantage of instruction in law and political economy. As the Universities are at present constituted, do you believe that such instruction is to be obtained there?—If it were the practice for young men who are destined for the Civil Service of India to go to the Universities, and they had to pass certain prescribed examinations in law and political economy, supposing there were not such professors at the Universities, and that they had not the means of giving that instruction at the present moment, I have no doubt the means would spring up with the demand; but there are professors of political economy at both Oxford and Cambridge.

1809. How often do they lecture in the year?—I am not aware.

1810. Mr. *Herries.*] You offered a suggestion to the Committee upon the relations and the working of the Board of Control and the Secret Committee. Will you have the goodness to inform the Committee whether you have ever been a member of the Secret Committee, or in the chair of the Direction, so as to enable you to know by your own experience what is the working of those relations?—I have not been in either of those positions; my opinions are formed from my observations in the court.

1811. Mr. *V. Smith.*] You stated that the Board of Control was in fact not a Board, though the intention of the Act was that the President of the Board of Control should consult his colleagues upon any grave and important subjects. What did you mean by saying that the Board is not a Board?—I understood that evidence was given by an officer at the head of the political branch of the Board of Control that the Board had never met in the last 20 years.

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1812. The signature of another member of the Board is required to certain despatches, is it not?—That I cannot tell; I have not seen the despatches.

1813. With your knowledge of the general business, though the Board may never meet, you do not mean to say that the President of the Board of Control would not think it necessary to consult his colleagues in the Cabinet upon important questions, such as you have alluded to, of war and peace?—I hope and trust that he always would do, and always has done so.

1814. Mr. *Herries.*] Have you any reason to suppose that he has not done so?—I cannot form a judgment, not having been behind the scenes. My idea simply was, that so grave a power should be fenced round with as many moral checks, at all events, as could be obtained.

1815. Mr. *V. Smith.*] Is the power more grave than that of a Secretary of State or any other chief secretary, who is vested with similar authority, but controlled by the Cabinet?—I cannot imagine that the duties and powers of a Secretary of State are so rigidly secret as the duties and powers of the President of the Board of Control, through the Secret Committee.

1816. What do you say to the Secretary of State for the Colonies?—I presume that everything comes out by complaints from the colonies, and questions in Parliament.

1817. You stated, in your previous examination, that you thought it necessary that the present number of Directors should be maintained, because, in each of the committees into which the Court divided itself, it was necessary to have seven or eight or nine Directors; do you think it necessary that so many minds should apply themselves to one subject, or do you not think that three minds could do the business as efficiently, or even more so, than seven or eight minds?—My observation was to this effect; that as we have seven or eight or nine members on a committee, that number admits of the frequent absences of Directors from business, sickness, and other causes, and it leaves four or five men who will thoroughly sift, and do sift, every subject: and if you diminished the number of Directors, that would *pro tanto* diminish the chances of subjects being investigated in the way in which they are now.

1818. What is the average number of minds that occupy themselves with the consideration of questions that arise?—I would say at least five or six in each committee.

1819. That you think absolutely necessary for the consideration of the questions that arise?—Yes.

1820. Are the papers submitted to them one after the other?—The Directors take the papers into their own rooms, and they send for the details which are necessary to enable them to form a proper judgment, and they make their marginal notes; and at the meeting of the committee, at the end of the week, they discuss all objections. There are opponents, probably, to every opinion; but every subject is open to the discussion of every member of the committee, and of every member of the Court.

1821. You think the present number, for the consideration of the various questions that arise, is not too many?—Not at all.

1822. With a view to the expedition of the business, can you suggest the doing away with any forms that you think unnecessary between the Board of Control and the Court of Directors, or do you think that the business is transacted as speedily as is consistent with due consideration?—In many cases the business is got through with great rapidity. I can bear testimony to the fact, that at this moment upon the table of the Political and Military Committee, there is a reply to a despatch in the Political department of the 3d of April, and in the Military department there is a reply to a despatch from Bengal of the 19th of March. Occasions may occur in which the same expedition is not obtained.

1823. My question alluded more particularly to the double power exercised by the Board of Control and the Court of Directors?—There is a mode of which the Committee and the Court have no official knowledge whatever, which may or may not facilitate the transaction of business, and that is what are called "P. C." communications. My impression is, that whatever advantage there may be in such communication in facilitating the transaction of business, in its consequences it renders the work of the committees afterwards somewhat difficult, because it necessarily prejudges questions, and the committees therefore may have to run counter to the conjoint opinions of the Board and the Chairs; whereas

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whereas if those previous communications did not take place, there would be no difficulty as far as the committees and the Court were concerned.

1824. You mean to say that it necessarily throws very great power into the hands of the Chairs?—The Chairs are part and parcel of each committee, and by the orders of the Court it is under their instructions that a despatch is laid before a particular committee. If the Chairs in arrangement with the Board fix upon certain paragraphs, and lay them before the committee as their own to a certain extent, they are bound to maintain them, having made their arrangement and agreement with the President of the Board, and in that case adverse opinions of the committee are necessarily opposed by the preconcerted arrangement, and are less liable to be operative ultimately in the Court or at the Board.

1825. The Chairs have the advantage of the first judgment on every subject?—Quite so.

1826. Will you state to the Committee the manner in which the Chairman and Deputy Chairman of the Court are appointed?—By the election of the majority of the Court.

1827. At what periods?—Annually; on the first or second Wednesday of April; at the time of changing six Directors.

1828. Their election is entirely left to the discretion of the electors; there is no rotation?—There is no rotation.

1829. A man may be all his life in the direction without being in the Chairs?—Yes.

1830. Sir *E. Colebrooke.*] Is it by open voting or by ballot that the chairs are elected?—By ballot; all questions may be decided in the Court by ballot.

1831. At the option of any one Director?—Yes.

1832. Is it often resorted to?—Yes; the ballot was very properly, in my opinion, done away with by an Honourable Member of your Committee, in which I supported him, but it has been restored since.

1833. Mr. *V. Smith.*] What is the general practice as to the election of the Chairs; are the same gentlemen often re-elected; or does it go through the Court of Directors?—The general practice has hitherto been that the deputy remains for one year, and he then succeeds to the Chair and remains for one year.

1834. Sir *E. Colebrooke.*] Do you think that the practice of balloting ought to be forbidden by statute?—I cannot understand the use of the ballot among 24 representatives; I can understand the use of the ballot amongst electors who desire to preserve their independence, but I cannot see the propriety of it among 42 gentlemen acting together.

1835. Do you think it consistent with the proper responsibility of the Directors to the public?—I voted for its abolition, and was in a majority.

1836. Why was it not abolished?—It was restored by a majority.

1837. How long after?—I do not recollect.

1838. Would you recommend the continuance of the ballot in the voting by proprietors?—I do not see any use in it, as the great majority of the proprietors vote by proxy.

1839. The votes are generally known?—They are.

Captain *Robert Guthrie Macgregor*, called in; and Examined.

Captain *R. G. Macgregor.*

1840. *Chairman.*] WILL you state the situation you hold in the Indian Army, and the length of your service?—I have been 30 years in the Indian Army; I hold the rank of Captain.

1841. You stated in a letter to me, as Chairman, that you were desirous that further evidence should be taken as to the mode of distributing the patronage of the East India Company, and the inadequate consideration of the claim of the servants of the Company to patronage in favour of their sons; will you put in a copy of the memorial which was addressed to the East India Company upon the subject?

[*The same was delivered in, and is as follows:*]

Captain *R. G. Macgregor.*

4 June 1852.

To the Honourable the Chairman, Deputy Chairman, and Court of Directors of the East India Company.

The respectful Memorial of Lieutenant-general *Welsh,* Madras Establishment, on behalf of himself, and, as Senior, on behalf of 220 General, Field, and other Officers (as per separate List annexed) of the Indian Army.

Showeth,

That your memorialist and those whom he represents, officers of from not less than 20 to 70 years' service in the several branches of the Indian army, in all three Presidencies, are desirous of representing to your honourable Court the existence of a difficulty under which they suffer, which it is, they believe, in your power materially to remedy, and your remedy of which would give great and general satisfaction to your officers.

That for many years past there has taken place a great increase in the strength of your Indian establishments, and in the number of marriages among your officers, and while this latter circumstance has much tended to the comfort and respectability of the services generally, it has also naturally resulted in the multiplication and enlargement of families, and that, to procure for their sons any adequate settlement in life, the utmost resources, the best energies of your officers, are frequently taxed in vain.

That there is in this difficulty much that originates in and is peculiar to the very nature of Indian service, which exiles your officers for long periods from the more varied and frequent opportunities that present themselves at home of providing in some way or other for their sons; the only connexions that your officers can form being Indian, and the line and locale of employment for their sons, to which they naturally look (in most cases, indeed, the only ones which seem open to them) being those to and in which their own lives have been devoted.

That while the chances of ultimate and partial success in other channels are thus usually against your Indian officers, they also experience, in the quarter where their best hopes had been placed, an almost equal failure; they find that your Honourable Court have not as a body, that there is no department or public functionary anywhere that has, the power of rewarding, by the conferment of appointments to India on their sons, the public services of the most meritorious officers; they find that even a father's death on the field of victory conveys no title to his son to share in Indian patronage, but that even then his nomination must be solicited from private favour; they find that claims on public grounds only, that services alone, however distinguished or prolonged, are ineffectual until they have secured an individual patron, and that without some friendly interest the Indian officer may apply to every director for a cadetship and fail with each.

That your memorialist, in thus stating the general rule, freely admits that there are creditable exceptions; that very generous actions have been and are done by members of your Honourable Court; that even those marks of favour which fall on personal friends might often have been well bestowed on them as old and good public servants, and he believes that even where little or no previous connexion existed with the patron, appointments have been given to reward the public claims of the father and to relieve the difficulties of the widow.

That although the beneficial operation of such cases compensate in some degree for what might else be an unmitigated evil, the relief so obtained is insufficient and uncertain; and your memorialist would respectfully appeal to those very exceptions, often adduced to show that in one way or other services of old officers are rewarded, as exemplifying and establishing the principle which is here advocated, that if it be right that these appointments should ever be conferred on public grounds, it cannot be right that they should then be obtainable solely through private channels, obtainable solely as personal favours, after repeated disappointments, at individual hands.

That your memorialist is not able to say precisely to what extent, or in what proportion to the total number, appointments to India are now, or on an average of recent years, conferred on the sons of Indian officers, but, referring to the last official returns*, and allowing a large addition thereto, he conceives that the present proportion must still be considerably under what a generous recognition of meritorious service might dictate.

That your memorialist respectfully submits that in Her Majesty's army the claims of the sons of officers, on the ground of their fathers' professional services, are readily admitted and generally attended to; and that even in the preparatory education at Sandhurst, the son of the Royal officer, according to the rank and means of his father, is received at a yearly charge from 68 to 36 per cent. less than what is paid by the son of the private gentleman; whereas at Addiscombe no distinction whatever is shown, although the cost is triple the pension which the youth may receive from the military funds.

That your memorialist, however, in advocating a more direct recognition, and a more liberal treatment of the claims of your Indian officers than they have hitherto received, is very far from wishing to obtain for them any exclusive enjoyment of Indian patronage; he would not desire at all to diminish the appointments so well conferred on the other classes† specified in the last official returns, for 21 years down to 1833, but recollecting that after all

* These showed that, during 21 years, from 1813 to 1833, the proportion was little better than one-thirteenth of the whole, or 401 out of 5,092, being 19 appointments a year among all three establishments of the Indian army.

† Her Majesty's army, Her Majesty's navy, Honourable Company's civil service, Honourable Company's marine, Clergymen, Widows and orphans.

all those cases were provided for, nearly 47 per cent. of the whole, the large number of 2,385 cadetships, or 114 yearly, were totally unaccounted for, he conceives that in this direction the means may readily be found of further meeting the wants of your Indian army, without injuring the interests of any other class, who can on any public grounds prefer reasonable claims to participate in the patronage in question.

That as little does your memorialist contemplate, in soliciting for your Indian army an increased proportion of such appointments, and their conferment upon a new principle, any reduction of that legitimate influence which may hitherto have attended your dispensation of Indian patronage: it is, on the contrary, expressly desired to leave the distribution with your Honourable Court collectively, or with your Chairman officially, merely seeking that for the future the so increased appointments shall be applied for to your Board, or to your Chairman, as above, in a prescribed form, with proper testimonials, and conferred on public grounds, having reference to the father's services, and the condition of families, among the most deserving; instead of their being, as now, solicited from individual directors, by your officers and their widows, with an importunity often in vain, but which, whether it succeed or fail, is always troublesome, perhaps painful to yourselves, and is so beneath the manliness of the military, and so against the retiringness of the female character, that not even the parent's anxiety for the welfare of a child can always make it consist with self respect.

That among the officers whose names are separately appended to this memorial, are some who, for favours received from individual members of your Honourable Court, have ever since felt, and must always feel, very grateful, and who thus have no private ground of complaint; but they cannot, therefore, the less sympathize with the failures and disappointments to which the general body of their brother officers are so commonly subjected in the same quest: there are many, too, among them, who have now no personal object in the success of this appeal; and there are others, proprietors of East India stock *, whom their mere interests might perhaps urge to keep aloof from its support, but all join in it entirely on public grounds, because they believe the principle advocated to be fair and equitable, and elsewhere usually admitted, and because they believe it the wisest policy, and for the real interests of your Honourable Court, liberally to concede what has been so long desired by and for your Indian army.

That your memorialist therefore respectfully solicits your Honourable Court hereafter to allot to the sons of officers, effective, deceased, and retired of your Indian army, a liberal share of appointments to India, to be in future distributed by your Board collectively, on public grounds, among the most deserving claimants.

And your memorialist, as in duty bound, will ever pray.

1842. That was signed, I believe, by General Welsh?—It was signed by General Welsh as senior officer, he being deputed to sign it by the other parties, whose names are annexed in a separate list.

1843. How many coincided in the opinion expressed in the memorial?—Two hundred and twenty. I think about 19 of those 220 had not executed the proxy at the time of its being sent in. The draft memorial was sent to officers, with a form of proxy, to enable the senior officers to sign it on the account, and the names of the 19 were not included in the list rendered under the "Form of Proxy," but in a separate list, in which it was explained that they had not returned the form of proxy, but that their opinions were, from previous communications, understood to be favourable.

1844. If I am rightly informed, General Welsh, as the individual who signed the memorial in the name of the others, has deputed you to state the ground on which that memorial was founded?—General Welsh has so deputed me in the letter which I believe is in your hands.

1845. Have you any additional facts to state confirmatory of the tenor of that memorial?—The details of the facts are not entered into at all in the memorial; it is a kind of statement of the general argument of our service in favour of a certain proportion of the patronage being given to them.

1846. Are you aware of the amount of patronage since 1834, that has been given to the sons and relations of the servants of the Company, military and civil?—I have not such information extending so far back as the year 1834. I am not aware that any such has been made public, but there has been made public in the Court of Proprietors a return of the military patronage, including the summary and direct cadetships for the 12 years from 1840 to 1851. That return has also been quoted in the House of Commons, and I consider it very probable that it is upon the records of the Committee. I am not aware of any public return of the patronage between 1834 and 1840.

1847. In what way would you provide for what you consider to be the inadequate consideration of the claims of the two services upon the patronage of the

* Forty-two in number.

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the East India Company?—Under the present system of electing Directors, there will always, I think, be the same cause of complaint as now exists, which is not new in the present day, but which has been heard of at various times for years past, and I am not aware of any remedy likely to be so efficient as the assignment of a part of the patronage to be distributed on public grounds, in a mode which the Court, or, if necessary (I do not see myself that it is necessary), Parliament may determine, to the sons of officers whose cases appear to be the most deserving. There should be a portion of patronage set apart as a public fund to meet service claims.

1848. What proportion would you allot in that way?—That is a point where wishes and opinions would probably differ. I should, in answering the question, wish so to answer it as to be moderate and reasonable in the proportion which I suggested to be assigned, and I think one third should be so assigned.

1849. One third of the appointments in both services?—One third of the Indian patronage should be assigned to meet the claims of the Indian army, including the medical establishments.

1850. If I rightly understood your answer to the previous question, you would not object to the allotment of that portion being vested in the Directors of the East India Company collectively?—No; I should have no objection to that, or to its being vested in the Chairman officially, or in a Committee of Directors, which committee might be chosen by rotation or by special appointment, or that the proportion so assigned as a public fund should be administered by a board of officers, to be chosen by the Directors, the officers to be taken from the services of the different Presidencies.

1851. Do you believe that, in case of provision being made in this way for the claims of the services, the Directors would consider themselves dispensed from bestowing the remainder of their patronage upon the relations of the servants of the Company?—If the question is, whether the Directors from the time when a certain portion of the general patronage was assigned as a public fund to meet public claims, would consider themselves thereby dispensed from attending to the claims which they may now attend to; being the claims of those who are comparatively strangers to them, I think they would consider themselves relieved from the necessity of attending to such claims; and I think it would be just that they should so consider it, if the portion so assigned were a fair and proper one.

1852. Do you suppose that there is a stronger claim for this change now than there was before 1834?—Certainly; and the greater necessity for the change arises from augmented establishments and from the increase in the number of marriages, and the enlargement of families consequent upon that increase. I am prepared with some details upon that point, which at your pleasure I shall be happy to submit to the Committee.

1853. Will you explain what you mean by there being a larger number of marriages since 1834 in the service than before?—I find, on reference to the memoranda which I have in my hand, that in the year 1822, 30 years ago, the strength of the Indian army, as by the total of the regimental establishments, was 4,714 European officers. The establishments were then in many cases incomplete, but I have supposed them in the calculation I have just given to be complete, as that tells against the inference which I wish to draw from the statement I am about to make. A deduction of 400 or 500 might perhaps be made from the 4,714 which I have stated. In the present year the number is 6,385, showing an increase of 35½ per cent. The information with regard to marriages, I derive from the published statements of the military funds of the Three Presidencies. The Madras fund was instituted in 1808, the Bombay Fund in 1816, and the Bengal fund in 1824. It will be evident, more particularly in the last two cases, that marriages were not likely to have yielded sons of an age capable of holding commissions in 1823, the intermediate years of the 21 years, from 1813 to 1833, that being the period embraced in the former Return of military patronage. I find on reference to the same information in the present year, that there were 2,770 marriages extant in the Indian army, and that 1,217 had ceased by death of one or other parent; so that we have to provide for the chances of 3,987 families; there are besides, those who are orphans on both sides. I believe the correct proportion of patronage given to the Indian army by the latter Returns submitted by the Honourable Court to be not more than one-fifth; one-fifth of 3,752 appointments would give 750 appointments, as the

number

number given to the whole Indian army in the course of 12 years; and taking the proportion between 750 appointments and the 3,987 families, and orphans as above, the result is one appointment to 5½ families; those are briefly the grounds upon which I think that the statement that the allotment of patronage to the Indian army is not such as to meet its wants and its deserts is well founded.

1854. Do you consider that having a claim to those appointments by right would at all diminish the attachment of the servants of the Company to the service, or diminish their obedience to the Company?—I do not understand how the formation of a public fund would create any argument as of right to appointments from that fund; it is still a matter of comparison, a comparison of the services and circumstances of individuals, and a comparison affected by the number of appointments distributed in each year, and a variety of other circumstances; and the decision of the claim is by quite an independent authority. Therefore no right to the appointment would exist: there would be a right of claim, but not a right of appointment.

1855. Would not the same system of solicitation exist as at present?—I do not think it would exist at all, certainly not necessarily, with proper means applied to prevent it.

1856. Are you aware of any other service attached to this country which has any claim in favour of its children to a preference over other persons in the United Kingdom?—Not as of right, but as of fact: I am aware, and I believe that professional experiences warrant the statement, that the claims of old officers for ensigncies for their sons are readily attended to at the Horse Guards, and complied with as far as the means at the disposal of the Commander-in-chief will admit.

1857. Have you any further facts to state in corroboration of the memorial?—I submit that it is an admitted fact, admitted, I believe, by the Court of Directors collectively, and its members individually, that there is no department at the India House, and no public functionary there or anywhere, that has the power of rewarding, except as of private gift. the services of the most meritorious officers. I submit that even the death of an officer in action, under the present practice of the Court, is not sufficient to give his son a public claim; even in that case a share of the Indian patronage is still a matter of personal favour. Many officers who have submitted their claims to such appointments on public grounds only, on services alone, have been and are constantly refused; and in frequent instances it has been stated by Directors that services do not give a claim, but that the appointments are theirs, their private property, and to be administered at their pleasure and discretion. This mode of distribution is inconsistent with what I understand to be the public trust involved in that patronage. If the Committee please, I am prepared to go into some examination of the returns submitted by the Court of Directors, both in 1833 and at this time; but I am exposed to some difficulty, from not knowing what is the nature of the information which has been already submitted to the Committee on the part of the Court; the question being, not as to the administration of a part of the patronage for a part of the time, since it was last re-entrusted to the Court, but as to the whole of the patronage for the whole period, and the returns should show its distribution among all the classes, separating the different branches of the service from each other; and as a grand distinction, separating the non-Indian from the Indian classes. The want of attention to those particulars in the returns which I have hitherto seen, makes the case of the Directors appear considerably better than the very figures they submit would warrant. In reviewing the distribution of the Indian patronage, and judging whether the complaint of the Indian army, or of any other branch of the service, be just or not, the points which I have just noticed should be carefully fixed, and being so fixed, applied to the returns. I think that those returns themselves show a strong case in favour of the army. I think it is desirable that I should put before the Committee some peculiar cases to illustrate the working of the present system. It is said in the memorial, that even in the cases of officers killed in action, no claim is, on those grounds, admitted to an appointment for their sons. I will instance three cases. Brigadier Wallace, of the Bengal army, was killed at the head of his brigade, I believe, at Sobraon. Wherever his widow could obtain an introduction, or make the commencement of what is called interest, she and her friends exerted themselves in favour of her

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family unsuccessfully. On the 1st of January of this year the present movement which has led to my examination before this Committee commenced; and within a short time afterwards, from an unexpected quarter, the appointment of a cadetship was obtained for Mrs. Wallace's son. Lieutenant Alexander Stewart was killed at his guns during the retreat from Cabool: his widow, for a considerable time, applied unsuccessfully to various Directors; she too has obtained an appointment since the present movement commenced. I would draw from the public statement which has been made of that appointment an argument, in the words of the Court's own advocate. I dare say it has been observed by many members of the Committee that this appointment has been announced in the public papers: and it is added, by the encomiast of the Court, that, "Such recognition of the claims of the sons of officers who have fallen in the service of their country, must be as gratifying to the service as it is creditable to the disinterested and generous donor." If such an exceptional case is to be talked of in such language, I think I need not go much further to prove that the general practice is of the nature I am attempting to describe. With regard to that paragraph, I fully acquit the particular Director of having been in any way instrumental in its appearance; but the paragraph comes, I believe, from the India House, and if so it shows the spirit in which those who are subordinately occupied look upon the claims of the service to these appointments; and that opinion is likely to be the reflex of the opinions of their superiors. The third case, also, of an officer who was killed in action, is the case of Colonel Lewis Bruce; he was killed at Ferozeshah. Efforts have been unsuccessfully made, for a series of years since the father's death in 1845 up to a recent period, to obtain an appointment for the son; every exertion has been made that his friends could make, and it is only lately, when he is on the verge of superannuation, of being too old to fill any military appointment, that the provisional promise of a medical appointment has been obtained for him. In all these three instances I believe that the appointments refused before have been granted or promised since the commencement of the present movement. I hold in my hand a Return of the Court's Military Patronage from 1813 to 1833,* and I go back to it for the single purpose of showing the spirit in which the patronage had been bestowed, and the direction in which it had flowed, and which I think was likely to continue the same under the same administration for some following years; and I wish to apply that observation to the interval omitted in the Court's Returns, so far as I know, they having made no return of the patronage for the seven years from 1833 to 1840. The previous results were, that 401 appointments out of 5,092 were given to the whole Indian Army during the period of 21 years, being at the rate of about 19 yearly to all the three armies. During the latter part of this period the ratio somewhat improved; it was better than the general average; it was one-eleventh; but I think the average of the latter years having been only one-eleventh, and the whole average one-thirteenth, with a deficiency of direct and full information as to the seven omitted years which immediately followed, I am warranted in supposing that the patronage continued to be distributed in a ratio which corresponded with the ratio previously shown, rather than that which is shown in the Return last submitted. It is to that Return that I would now direct my following remarks.

* *See* No. 1, p. 184.

1858. Mr. *Baillie.*] What Return do you allude to?—The Return † of the direct cadetships and seminary appointments for the 12 years from 1840 to 1851. I will give in copies of all these Returns. I find in that Return that credit is claimed by the court for 857 of such appointments, given to four classes comprised under a single head. It is impossible from this Return to say what proportion of those 857 appointments was given to the Indian Army, and what proportion was given to the Marine and Ecclesiastical Departments. If those two branches were excluded, and more particularly if the Return was extended to the whole 19 years instead of the 12 arbitrarily selected by the Court, I think the result would be that only one-fifth of the patronage would be shown to have been given to the Indian Army. I am confirmed in that opinion by a different Return, derived from the East India House, furnished to me by Colonel Sykes, ‡ a Director of the East India Company, in which it appears that 17 ½ per cent. was the proportion of the patronage for the seven years, including four of those omitted, to which the Return alludes, being under one-fifth, which in my estimate I have given the Court credit for. I think that these tables

† *See* No. 2, p. 184.

‡ *See* No. 3, p. 184.

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are objectionable, because they do not preserve the distinction between Indian and non-Indian classes. The main arguments on behalf of the Indian army to a larger proportion of this patronage, are first, that there is no other class who can, on the same ground of long local service faithfully and successfully performed, present the same claims for Indian appointments as Indian officers; secondly, that their absence for many years in the East deprives them of the power of forming those connexions, and making that interest at home that might be serviceable to their families, and this fact, which I think cannot be disputed, should, I conceive, give them a peculiar preferential claim to the local patronage. I do not mean a claim to the patronage exclusively; I mean only to a due and fair portion of it, preserving the just and proper claims of all other classes. These arguments, and in fact all arguments upon the mere point of number, whether the patronage now conferred is sufficient or insufficient, are included in the single question, whether one-fifth of the patronage which is shown to be bestowed is or is not sufficient. I have offered reasons founded upon the domestic circumstances, I may say, of the Indian army, the state of families, and the number of children, why one-fifth of the appointments is not sufficient to meet their wants; I might well speak of the deserts of the Indian army, because in speaking of that I am not speaking of a matter in which I have myself been concerned. I have been separated from the effective branch of the army for 12 years. In speaking of their deserts, therefore, I am praising others and their services, which have been during that period, and at all times, such as to entitle them to the utmost liberality on the part of the Court, and of the Government. There are some remarks which I would wish to submit, which may tend to make the inadequacy of the general proportion of the patronage conferred on the Indian army tell with peculiar severity on particular branches of it. The Bengal army, which is, singly, nearly equal to both the armies of the other Presidencies, has only one officer in the direction, and that officer is now out by rotation. The Madras army has four officers in the Direction; the Bombay army has two officers in the Direction; taking the comparative strengths of the establishments, the proportion is nearly six to one against Bengal as compared with Madras, and nearly five to one as compared with Bombay. What is the case of Bengal now, may have been formerly or may be the case of Madras and Bombay at any future time, and I think that result is likely to recur under the present system of electing directors; for the Indian officer is in a very great degree barred from any vote in electing such men as he may think desirable for the Direction. There is a power of voting by attorney, but that power of voting by attorney extends merely to those who can execute the power within ten days of the day of election; it therefore excludes all the Indian services serving in India; it applies only to those services when they are in Europe, and merely to such of them as have the means of purchasing a qualification; the cost of that qualification is more than most military officers can afford or can command, and therefore those who are best able to judge of the merits and services of the candidates for election are barred from any voice in their election. I do not mean, upon this part of the argument, to state as anything more than probability, that the Bengal army is worse treated in the matter of patronage than the other armies, but I do think it probable that such may be the case; for though there are eight other members of the Direction who have served and resided in Bengal (namely, five members of the civil service, two of the legal profession, and one mercantile), yet I believe, with two temporary exceptions, the whole of those gentlemen have resided and served at or very near Calcutta, and the services, with those two temporary exceptions, of the whole eight, have been in the provinces of Bengal and Behar, from which the main part of the Bengal army has long been withdrawn; so that a Bengal officer, in now approaching a Bengal Director, approaches him on the footing of a stranger as much as he would do if he belonged to another Presidency, or did not belong to the service at all. I think the remarks I am making tend to establish the propriety of a due proportion being preserved in the Direction between the services from each of the Presidencies, and I hope that that result will be arrived at.

TABLES:

No. 1.

DISTRIBUTION of the Court's Military Patronage during 21 Years, viz. from 1813 to 1833.

Years from January to December.	Number of Cadets Appointed.	SONS OF OFFICERS.					Sons of Clergymen.	Widows and Orphans.	Miscellaneous Unaccounted for.
		Her Majesty's		Honourable Company's					
		Army.	Navy.	Civil Service.	Army.	Marine.			
1813–33	5,092	409	124	224	401	40	390	1,119	2,385

No. 2.

DIRECT Cadetships and Seminary Appointments for 12 Years, from 1840 to 1851.

		1840.	1841.	1842.	1843.	1844.	1845.	1846.	1847.	1848.	1849.	1850.	1851.		
Military Medical Marine Ecclesiastical	H. C. S.	83	99	85	57	36	93	83	68	66	68	66	53	857	1,100
		453						404							
Civil Service, H. C. S.		30	19	21	18	10	19	20	21	23	18	26	18	243	
		117						126							
Military Naval Medical	H. M. S.	77	72	80	50	31	63	46	36	32	27	27	35	576	2,652
		373						203							
Clergymen		41	47	42	27	20	33	34	31	21	23	28	21	368	
		210						158							
Nobility Gentry Professional Miscellaneous		182	206	227	148	106	165	162	119	95	95	109	94	1,708	
		1,034						674							
		413	443	455	300	203	373	345	275	237	231	256	221	3,752	3,752
		2,187						1,565							

No. 3.

DIRECT Cadetships from 1st January 1836 to 15th November 1843.

Total Number Appointed.	SONS OF OFFICERS.			Sons of Clergymen.	Sons of other Classes.
	Her Majesty's Services.	Honourable Company's			
		Civil Service.	Army.		
1,976	380	105	348	205	938

N. B.—All three Returns are derived from the India House.

I have a number of letters, 10 or 12, before me, containing the opinions of officers of all the three armies upon the question on which I am now speaking; I should be desirous, with the permission of the Committee, of reading extracts from such letters, as referring to the matter in hand, in order to give the Committee what may be termed the feeling of the service on the subject.

1859. Do they state facts, or do you wish to quote them merely in corroboration of your opinion?—A good many of them state facts.

1860. Sir *E. Colebrooke.*] You wish to read them in order to corroborate the memorial?—Yes.

1861. Viscount *Mahon.*] Have you the permission of all the writers to read those letters?—No, I have not.

1862. Sir *J. Graham.*] You propose to read extracts?—Yes; and if the Committee wish it, I can produce the letters themselves, to show that the extracts are correct.

The Committee-room was cleared.

After some time, the Witness was again called in.

1863. *Chairman.*] The Committee think it advisable that you should not tender as evidence the opinions of others?—I may, perhaps, be permitted to allude to the cases which those letters specify, though I do not read the extracts. I lately spoke of the cases of sons of officers killed in action. I omitted unintentionally to state what is very necessary in justice to the Court of Directors, that I am not aware of any instance in which an appointment eventually has not been obtained for the son of an officer so killed; but it is a long and hard labour, as in every other case, instead of being, as I think it ought, a claim immediately, cordially, and gratefully admitted by the collective body or by individual directors. The letter which I hold in my hand is from a lieutenant-general of the Bengal army, of 51 years' service; it encloses a printed statement of his services, with reference to which he endeavoured to procure appointments for his sons, and did not succeed. The services of this officer include the whole of Lord Lake's campaigns apparently without exception, his presence at various actions and sieges in the Pindhara and Mahratta campaigns, and at the sieges of Bhurtpoor in the time of Lord Lake, and in the time of Lord Combermere. This appears to be a case where a statement is forwarded for the express purpose of supporting the memorial, and might not come under the objection which the Committee appear to entertain as to the communication of such letters being unauthorized.

1864. Is the writer of the letter within reach?—Yes; he is not in London, but he is in England.

1865. Have you authority to state his name?—I have no objection to do so. The matter is stated to me in confidence, and left to my discretion; I have no doubt in the exercise of that discretion that stating his name would be allowed by the writer. In fact, I should not have brought any letters here with the intention of offering them to you, but on the supposition that the writers would support them by allowing their names to be given.

1866. Will you state who the writer is?—Lieutenant-general Samuel Smith, of the Bengal Cavalry. I can also submit the printed statement of that officer's services, if you please.

1867. Mr. *Hildyard.*] Does he state how frequently he made application; does he go into any particulars, and show for what period of time he was occupied in making applications?—He says, "I sensibly experienced the total disclaiming of my services in soliciting appointments for both my sons, and was painfully reminded that private interest wholly regulated their disposal."

1868. *Chairman.*] Does he state at what period his applications commenced?—No, he does not.

1869. Viscount *Mahon.*] May we assume, in all the cases you lay before us, where you do not expressly state the contrary, that the applicant who asks for an appointment for one son has not received an appointment for any other of his sons?—I understand these cases as conveying a general objection to the practice, under the present system, of administering the Court's patronage.

1870. You are not able to answer more specifically the question that I put to you?—I should not like to do so, because I could not answer the question confidently. A circumstance is mentioned in the memorial, that the Indian officer may apply to every Director for a cadetship, and fail with each. I would wish to submit three instances of that, or very nearly approaching to that. The

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writer of this letter is a colonel of 46 years' service, and a Companion of the Bath, and he says he applied to 30 Directors for an appointment for his nephew, the son of an officer of high distinction in the civil service, and that he only received civil refusals from three of the 30 Directors, and none of the others condescended to reply to his letters.

1871. *Chairman.*] Have you any objection to give the name?—I have no objection, personally; but it appears to me that the question seeks an answer which the Committee have already debarred me from giving information upon. The Committee have debarred me from submitting the extracts of letters containing the opinions of individual officers of the Indian service of high distinction, and therefore from specifying their names; and now that I am stating the cases upon my own information, I am asked for the names. I have no objection to submit the name, and I believe communicating the name will be approved by the individual; but it appears to me to be a little inconsistent with the general exclusion of the information which I had to offer.

1872. Let me remind you that the Committee desired that the letters should not be put in evidence, but you were desired to state the facts, and refer to the letters in corroboration of those facts?—I have no objection to state the name of the writer, Colonel Charles Carmichael.

1873. Mr. *Hardinge.*] What are his services?—He commanded for a great number of years, with great usefulness and distinction, a corps of irregular cavalry in the Bengal army: he is an officer very well known, and very much respected.

1874. Do you happen to know in what actions he was engaged?—No, I do not.

1875. *Chairman.*] Does he state for what length of time he continued his application?—No; he states that he applied to 30 Directors, which seems to be nearly equivalent to applying three times to 10 Directors.

1876. You stated previously that you were not aware of any case which had been permanently rejected, that the applications were successful at last, but were subjected to considerable delay?—That related merely to the sons of officers killed in action.

1877. Mr. *Mangles.*] What is the date of the application in the case of Colonel Carmichael?—I should say it is within the last eight years. It is probable that you would be able to give the date yourself; it referred to the son of Mr. David Carmichael Smyth, a judge of the Sudder Dewanny Court. You will probably know the date of his death; it is since that the application has been made. Another case I have in my hand is that of the widow of an officer of 25 years' service, and six years in retirement; he was obliged by the state of his health to resign the service. This lady has been soliciting the Court of Directors, and has asked every one of them, including those who are out by rotation. She has received only six answers, which have been six refusals. In another case, an officer of 30 years' service applied within the last year to all the Directors but four; his applications met with refusals from every one. I think that the three cases which I have just submitted warrant the statement that applications may be made to every Director, and fail with each.

1878. Viscount *Jocelyn.*] Have you any objection to give the names of the last three cases you have mentioned?—The case of the widow lady being still undecided, I should not like to prejudice that case. In the third case I have mentioned, I have no objection to give the name.

1879. Mr. *Cobden.*] Do those parties themselves expect that you are going to give their names?—No, not in the case of the widow, certainly.

1880. You contemplated giving their names only in case their evidence was received in a written form?—I did not contemplate giving their names at all; being called upon for their names, I have no personal objection to giving the names; but I state the reason, which I hope will weigh with the Committee, why I should not give the name of this lady, whose case is still before the Directors; that is, it may, and, I believe, will again come before them. I have given the name of one officer, and I am willing to state the name of the other officer, but I have no wish to do so. I will mention the case of a lieutenant-general of 56 years' service; he has been for a number of years a proprietor of East India stock; he had a large family, eight of them sons; he never for his elder sons asked for any appointment, having other means of establishing them in life. For one son, I believe his youngest, he made such an application, the young man wishing to enter the army, and he was refused. Some of the Directors

rectors that he applied to were of his own acquaintance, and to other Directors he applied upon the grounds of his long and good service. He repeated his application upon several occasions, and on the last occasion, when he received the last refusal, the same post which brought him that refusal brought him, from the Honourable Court of Directors his medal with, I believe, eight clasps, for military services performed in India. With regard to the process to which an officer, advanced in years, in infirm health, and it may be of a delicate mind and sensitive, and not well able to cope with stronger and rougher natures, is subject, I will give a description of what he encountered. He says, that "he has fresh "in his recollection the humiliating process he underwent in being bandied "about from door to door whilst urging his claim; and the abrupt and disgust-"ing treatment he experienced from those whose business it is to receive with "complacency, and to comply in all possible cases with the applications of "their officers."

1881. Sir *J. Hogg.*] I do not ask you the name of the gentleman, but is that gentleman alive and in England?—He is alive and in England.

1882. *Chairman.*] If you have no objection to give the name, it would be desirable that you should give it?—I have no objection to give the name; the name is Lieutenant-general Greenstreet.

1883. Sir *J. Graham.*] Is that the officer who received the medal with eight clasps?—That is the officer who received the medal with a number of clasps; I may not be correct in stating the number of clasps. An officer of very considerable distinction on the staff of the Bengal army (my own opinion with regard to whom I will simply describe as being, that he is the most superior officer in character and qualifications for staff duties that I have met with in the Bengal army), has lately been applying through his wife, now at home, for an appointment for a son. She applied wherever she thought there was a chance of succeeding, but she was unsuccessful. She may have since succeeded, for I have not seen her for the last six or eight months, but she had not succeeded at the period to which I refer. I am unauthorized to make this communication, either on his part or on her part.

1884. What is the name?—The name is Colonel Birch; formerly Judge Advocate-general of the Bengal Army, and now military secretary to the Supreme Government of India. He is married to the daughter of a former Director, Sir Jeremiah Bryant; since the death of her father, of course the chances of promotion for her family are not what they were then.

1885. Mr. *Herries.*] Can you state how long she was employed in soliciting an appointment?—I cannot state how long she was employed, but the applications were repeated in several quarters. The writer of the note which I now hold in hand has seen 30 years' effective service, and has been four years in retirement; he is a Companion of the Bath, and he has three medals with three additional clasps. He cannot obtain a cadetship for his nephew, the eldest son of his brother, who has served the Company also for 30 years; he is Lieutenant-colonel Geddes, of the Bengal Artillery; the name of the father is Doctor Geddes, superintending surgeon on the Madras Establishment. The next case is a case of a Lieutenant-general, a Companion of the Bath, of 51 or 52 years' service. I do not happen to have noted his service, but I see he says it is upwards of 50 years' service. He was anxious to get a nephew into the Bengal Army, and applied on the score of his own services to several Directors; he says, "though much against the grain, he solicited six Chairmen, and as many "Deputy Chairmen, besides various Directors, and he could not get such an "appointment; and from some of them he got rather saucy answers, such as that "service, however long and meritorious, could not be placed in competition "with their private friends' interest." That party is Lieutenant-general George Hunter, with regard to whom Sir Charles Napier, I am sure, and every Commander-in-chief under whom he has served, would speak in terms of the highest commendation. A lieutenant-general of the Madras army, of 51 years' service, in acknowledging that he had received appointments for four sons in the Madras army, says that they were obtained without the slightest consideration of his long services. The mention of this case leads me to the statement that a great part of what is now complained of arises out of the practice under the present administration, of frequently conferring several appointments upon a single family. I have heard from the India House of the instance of one individual who had been a medical officer, and afterwards became a merchant in India and in London, who had 23 appointments at different times conferred upon him.

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I will not mention a stronger case which I have, because I cannot speak to it with certainty, or upon the same authority. Lieutenant-colonel Budd, of the Madras army, the father of a large family, when in England two years ago, utterly failed in his applications for one appointment. Lieutenant-colonel Gregory Jackson, of the Madras army, who likewise had a large family, was equally unsucessful, having no interest. The two latter statements are upon the authority of Lieutenant-general George Jackson. A colonel of the Bengal army, and a Companion of the Bath, and of 41 years' service, has for a considerable time been using every exertion to get an appointment for a son; he has failed to do so; the case is I believe the one quoted by Lord Ellenborough, in the House of Peers. The services of this officer were distinguished, and Lord Ellenborough considered that he did not too greatly reward those services in conferring upon him one of the highest posts in India.

1886. Mr. *Baillie.*] What was his name?—Colonel Richmond. This is an application from a widow lady, the connexion of whose family with the Indian Army must have been of 75 years' duration; her father died a colonel; her husband, who also died in the service, was a very meritorious staff officer, and assistant secretary in the Military Board; she lost a son in the service; her three daughters married three officers, all of whom died in the service; her age is nearly 70. For one of her grandsons, whose father died three years ago, commanding a regiment of Native Infantry, she has during the last year applied wherever she thought there was a chance of success for an appointment for the eldest grandson; she failed in her first round of applications, and she has again failed in her repetition of those applications.

1887. Sir *J. Graham.*] Will you give the name?—The lady is a Mrs. Hunter. Lieutenant-colonel Bulkeley died after 31 years' service uninterruptedly in India, leaving a widow with three or four sons unprovided for; she has been unable to obtain a commission for any one of them; the eldest must be 20 years of age. In other instances, as I have mentioned before, and which I would wish to repeat and enforce, particular families receive a number of appointments; and the conferment of appointments upon a comparatively limited number of families is a negation of that patronage to a much greater number of other families. I conceive that it would be for the convenience of the Directors themselves if a part of their patronage was set aside as a public fund from which to meet such applications. Under the present system, such as it is, my opinion is that the administration by the Directors of their patronage is as good as can be expected from any similar body of men so elected; but that admission must not be interpreted into an approval of the system itself, the facts and the cases which I have mentioned being in direct discommendation thereof. The system itself requires alteration; but I think the administration of it in the present hands is as good as it would be in any other hands, and as can well be expected. I would wish to confirm the opinion which I have just given, that the assignment of a portion of the patronage for this purpose would be for the convenience of the Directors themselves, by the opinions of other officers who have signed the memorial for that as one of their reasons. One officer of experience, of 30 years' effective service, and 11 years in retirement, says that he "considers the proposal a very "desirable one, the obtainment of which would greatly relieve the Directors "from the present constant importunity, and the service from continued painful "solicitations." Another letter, which I have received this morning, is to the same effect, namely, "setting aside the proportion of appointments given to the "sons of officers, whether that were more or less, the proposal would effect such "an improvement as to relieve the Directors from much pain, from many "perplexing interviews, and many painful refusals. The onus of the reproach "involved in the complaint of the Indian Army now falls upon the Court of "Directors collectively, whereas I believe that there are members of it, and not "a few, who attend well to the claims of the Indian Army." I have no means of knowing who the parties are to whom the 857 appointments, for which credit is claimed by the Court, were given. Their argument is, that those appointments were given on public grounds, arising out of the services of the fathers. I think that that statement may in a further degree be met by supposing (which I think you cannot but admit is a probable case) that many of those 857 appointments have been given to relations and connexions of the Directors themselves, and would have been given to them under any circumstances. The mere circumstance of their belonging to the service does not warrant such a conclusion as is wished to be drawn, viz., that all these 857 appointments were given on public

public grounds, many of them being, in fact, given on private considerations. There are others of those 857 appointments that were given, after service claims had been repudiated and refused, to sheer importunity, or, at the request of a third party, who happened to be a personal friend of the Directors. There are some of those appointments that have been earned by the lads themselves at the schools and hospitals, as a reward of their own merit and ability. The whole of those, and other cases that might be suggested, are included in those 857; that number, therefore, does not correctly measure the extent to which the Directors admit the claim to reward, and confer the reward upon their officers on public grounds, nor does that number imply 857 families. The Return also shows a fact which I would wish to bring before you, that a part of the injustice may be occasioned by one service receiving patronage in what may be called an undue proportion. I say undue merely in a numerical sense. I find that the civil service of India, which numbers 816 individuals, received 243 appointments; and the four branches comprised under the first head, which number 6,635 individuals, received 857 appointments. Now, judged in numerical proportion, this result is very greatly against the Indian army, which should, in that point of view, have eight times as much as the civil service, or 1,944 appointments. The Return itself mixes up the cases of officers of Her Majesty's service who have served in India with those of officers who have not served in India. A general return is made of Her Majesty's services, both army and navy, serving there and serving elsewhere; the cases of those only should be compared who have served for some years in India, or have distinguished themselves during their service in India; in every other respect the cases of officers of Her Majesty's services are not different from the cases of any other profession existing; not different from the cases of clergymen. If the distinction between the Indian and non-Indian classes had been preserved in this Return, it would have shown by a correct adjustment of principles to figures, that to all the Indian services (including the Indian portion of Her Majesty's service), less than one-third of the patronage was given, and that two-thirds were given to the non-Indian classes. Under this principle, the 1,708 belonging to the last head would have been increased by the whole number of appointments conferred upon the sons of clergymen, and by three-fourths of those given to Her Majesty's service, making a total of 2,508 against something under 1,250. I would suggest that a Return be called for of the whole patronage for the whole 19 years, instead of what I believe has alone been furnished, that information which relates to the mere military patronage for only 12 years. The complaint of the memorialists divides itself into two principal heads: one is as to the inadequacy of the number of appointments given, and the other is as to the mode of conferment; and I am in possession of the feelings and opinions of the service with regard to the last point to that extent, that I may say that generally the latter is felt to be almost as much an evil as the former, and that unless the system of conferment was also altered, a mere increase in the number of appointments would not meet the case or put an end to the complaint. The Indian service has here no local head, no professional representative to whom it may carry its case and state it with the confidence and candour which is felt in stating it to a brother officer of experience, filled with the feelings of the profession, to such a one, for instance, as is now charged with these functions in Her Majesty's service. They are, instead of that, obliged to go, as one correspondent, whose letter I have quoted to you, says, "from door to door," for months and years, in a character very little different from that of begging. I do not see any difficulty of consequence in so altering the mode of the distribution of patronage. I have suggested several modes; any one of those would, I think, answer the purpose, and would, I believe, be more agreeable to the service than the present system; and I think that any one of them would be much more convenient to the Directors themselves than the present mode; and further to facilitate the conferment under a new system, there might be appointed to the chairman or to the committee of patronage a secretary from among their own establishment at the India House, or chosen from the service, one acquainted with the cases of the applicants. In Her Majesty's service, there is no difficulty at all in the distribution of the military patronage by a single head, and I believe that as little difficulty would be experienced in the administration of the Indian patronage through a single official medium, instead of continuing the necessity of applying to so many different quarters. As regards this patronage, the Indian officer is exposed to

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a necessity to which he is not subjected as regards any other patronage, and to which no class but his own are subjected. If an Indian officer wishes to enter and establish his son in any other line of life, in a Government office or in the Royal Army, he trusts to his private influence, his private interest; if he has that, he uses it; if he has it not, he does not make the application, and there his hope ends. The general applicants for Indian patronage apply only to those whom they can approach directly as their personal friends, or through third parties who are personal friends of Directors. There is no class but that to which the Indian officer belongs which is compelled, by the very fact of its services, to make a round of solicitations among 30 gentlemen; such applications are personal or written, and in many cases answers are not even vouchsafed to the applications. In some cases, although it may arise in some degree from the disappointment of the person who receives the answer, the feeling widely exists that the answers are wanting in courtesy. Where interviews are sought, they are very frequently not obtainable. These are matters which greatly touch the feelings of an honourable profession; many cannot stoop to that course of mendicancy, and others go through it with very great pain to themselves.

1888. Sir *J. Graham.*] You stated that there were several modes in which you thought the patronage of military appointments in India might be distributed more satisfactorily than it is at present. Having given your attention to the subject, I presume that you prefer some one of those modes which you have suggested to all the others, as the best. Will you state what substitute you would propose for the present mode as the best?—I cannot say that I myself prefer any one of the four modes which I suggest above others of them; but I think it is very probable that the mode most acceptable to the service would be, that the administration of that part of the patronage which might be assigned as a public fund to meet service claims should be confided to the judgment and honour of a Board of officers.

1889. Independently of the Direction?—Appointed by the Direction.

1890. But those officers would not be members of the Court?—No.

1891. Mr. *Mangles.*] I wish to ask you some questions with reference to some of the instances you have brought forward. You mentioned that Colonel Carmichael had failed in an application he made for the son of his deceased brother, Mr. David Carmichael Smyth; do you know how many appointments in the service the sons of Mr. Carmichael Smyth obtained?—No, I do not; I should like to know.

1892. Are you aware that one of his sons has lately gone out as a writer to Madras?—I intended to mention the very case to which you now refer; but some conversation arose, and my attention was drawn off from it, and so I forgot to mention it. In that very case he made the unsuccessful applications, and eventually, quite through private influence, and without any reference to his own or the father's services, he got an appointment for the young man; that is the son for whom the writership was subsequently obtained.

1893. Then that is not a case of very great hardship?—The hardship appears to me to remain the same, under the circumstances of the son subsequently obtaining a writership by private influence, when he is shown to have failed to get any appointment on the ground of his uncle's or his father's services; there merely remains the fact that he does get an appointment.

1894. Is it not difficult to say how far the appointment is given from the one cause or from the other?—I should think it was, particularly with those Directors who do give their appointments more than others among the service.

1895. You mentioned the case of Mrs. Hunter; she was the daughter of the late Colonel Hawkins; are you aware how many sons of Colonel Hawkins have got appointments in the service?—It extends over so long a period of time that it might become a nice arithmetical calculation; there were two sons of Colonel Hawkins that had appointments.

1896. Is not the present Colonel Hawkins, the Commissary-general, a son of Colonel Hawkins?—Yes. There was another, who rose in the service to be a field officer.

1897. Was he a son?—Yes.

1898. Was not Mr. John Hawkins, the Judge of the Sudder Court of Calcutta, another son of Colonel Hawkins?—Yes.

1899. And they are not the only members of the family who are in the service; there are others?—I do not recal them, but it is possible there are. But

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the question I think mistakes the object of the information which I gave relating to this claim; it was not that the claim was derived from Colonel Hawkins, or at all from Colonel Hawkins's sons, but derived from the services of the young man's own father, who was an officer of the service, and died commanding a regiment, after some 30 years' service.

1900. You began the mention of the case by stating that there had been a connexion of 75 years with the service, beginning with her father, Colonel Hawkins?—Yes, I did; and I think that that strengthens the case very materially.

1901. Notwithstanding the strong claims of the family, do not you think that those claims have been in some measure met by those numerous appointments that I have mentioned?—I do not think so; that is not sufficiently; it is a continuing claim, and whatever benefit may have been conferred upon Colonel Hawkins' sons by their nomination, in three cases, to appointments, the ability and faithfulness with which they have performed the duties entrusted to them are quite a sufficient compensation. In a matter like this, a public body like the Court of Directors cannot claim credit for these former appointments as meeting the just present claims of other branches of the family.

1902. And yet in another instance you mentioned as a grievance, that one family obtained a great number of appointments, while another family obtained no appointments?—Yes; but the grievance I alleged referred rather to different families at the same time than to the same family at different times.

1903. How are such cases to be met?—I do not conceive that there is any difficulty in meeting both the claims consistently, to some extent, although I am perfectly aware that the patronage will not admit of all claimants being satisfied; a great number must be disappointed; but the complaint is that the appointments are not impartially and fairly distributed, and that the benefit, instead of being given to as many as possible, is given to a comparatively limited number of families.

1904. And yet you make a grievance of another member of the family, which family has received a great number of appointments, not getting an appointment. I allude now to the case of Mrs. Hunter. You say that some families get a disproportionate number of appointments; I show that Colonel Hawkins' family have a great number of appointments?—This is not the case of Colonel Hawkins, but it is the case of Major Scott's family; but the continuing good service of Colonel Hawkins's family, during a series of years, ought, in my opinion, to give his descendants, they being also the sons of Indian officers, a stronger claim than if they were mere strangers. That is my feeling on the subject.

1905. Sir *J. Hogg.*] In the several statements you have made regarding the continued applications made to Directors, and the manner in which those applications were received, do you speak of facts that you yourself know from your own personal knowledge, or do you speak from the representations made to you by others, which representations you have reason to believe are true?—I refer both to cases that I have become acquainted with on the representations of others, and to cases that I know myself.

1906. How many of the cases that you have mentioned to the Committee are within your own personal knowledge as to all the circumstances you have mentioned, and particularly as to the manner in which the applications, whether written or personal, were received?—I do not recollect how many cases I have stated, and I do not recollect what the particular cases were to which the description you have now given applied.

1907. I do not wish to trouble you to go through the cases in detail, but could you, looking at your papers and seeing the cases, say that such and such cases and the circumstances accompanying them are within my own personal knowledge; and of the others, "I speak from representations made to me, which I believe to be true"?—That is a question which appears to me to answer itself; one can only speak from personal knowledge of that which occurs to oneself, and one must take all other cases upon the representation of other parties; and, therefore, what I have stated upon the representation of other parties will embrace every case but one.

1908. Sir *J. Graham.*] Which is that one?—The case of the individual applying in his own person; though I do not wish to allude more particularly to myself, it was to myself that I alluded.

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1909. Sir *J. Hogg.*] Of your own personal case of course you speak from your own personal knowledge, and of the others you speak from representations made to you?—Yes; but it must not be taken that I applied everything of what I said to my own case; perhaps very little of it would apply to that case.

1910. Were you yourself treated with discourtesy?—Generally with courtesy; in two or three cases with a want of it.

1911. Mr. *Mangles.*] Did you mean to convey that in three cases of officers killed in action, their sons had recently received appointments in consequence of what you call the present movement?—I mean that they were previously refused, and I learn that they have received appointments since these efforts to obtain the opinion of the service were made.

1912. How does that consist with your subsequent admission, that in every case, as far as your own knowledge went, the sons of officers killed in action obtained appointments?—It consists perfectly with it; because the evil complained of is, that in the case of an officer killed in action, his widow is subjected to going a round of personal solicitations, just as others are, instead of the single fact of his death in that way being taken as proof of his family's claim.

1913. Mr. *Plowden.*] I understood you to recommend that one-third of the patronage should be bestowed upon the Indian army; do you think such a proportion would be fair upon the other branches of the service; that is to say, the Civil, Marine, and Clerical Services of the East India Company, and also to the Royal Forces in England, and to clergymen, lawyers, scientific men, and others in this country?—I think it would.

1914. To take one-third of the whole patronage for the Indian army?—Yes.

1915. At the expense of the other services?—I do not use that form of speech myself. In recommending that a third should be given to the Indian army, I suppose the same principle to be applied to all the other Indian services, and that the rest of the patronage should be left to the Directors to distribute according to their discretion. As regards the non-Indian services, I do not conceive that they have the same claim to Indian appointments as Indian servants; but there is no exclusion of claims from other services and professions. When you consider the number which form the Indian army and the retired list, and the families of deceased officers, amounting to upwards of 9,000 individuals, I do not think one-third of the patronage, which is shown to be in all 312 military appointments in the year upon the average, could be considered too much for the Indian army; and I look to the carrying out of that principle in regard to the civil service, the marine, and to all the Indian services.

1916. Are you not aware that there are many instances of the Directors bestowing appointments upon the sons of officers who have distinguished themselves when they were wholly unacquainted with them, solely on account of their fathers' services?—I believe such cases may occur; I am not aware of them, but I am quite willing to take them upon the statement of the Court collectively, or upon the statement of any individual Director who says that his patronage is so distributed.

1917. Do you know that those cases are frequent?—No, I do not; I doubt it.

1918. Mr. *Hardinge.*] How long is it since Mrs. Birch applied for an appointment?—I met the lady in the course of last autumn; I think it must have been in August. I have had, more lately, information with regard to her progress, which has not led me to believe that she has had the desired success.

1919. Sir *J. Graham.*] When you propose to assign a third of the patronage to meet service claims, do you confine that to the military patronage, or do you extend it to the whole of the patronage?—I include the whole of the patronage, with the privilege of the conversion of any civil appointments which might fall to the army into what may be termed the market value of the civil appointments. Those things are regulated, as the experience of the Directors will tell you; there is an exchange value between one appointment and another; possibly two Addiscombe appointments may go for one direct appointment, or for one cavalry cadetship. The present valuation is, that a writership is equal to three cadetships. In asking for part of the civil patronage as well as the military for the army, I know that cases will occur, as they have occurred and are now existing, where it would be highly desirable to reward the services of the father by a writership for his son. I will take such a case as that of Sir Henry Lawrence: if the privilege of conversion were acceded to, it would give the means

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of giving three inferior appointments in the place of one superior one. It is the good of the greatest number that we are looking to, and therefore I would certainly prefer the three cadetships to one writership, except where you could confer a writership as a reward for such services as those of the individual I have alluded to.

1920. Upon your plan of the conversion of the patronage, a proportion of one-third of the whole patronage being allotted to the army, more than a third of the military patronage would be so appropriated?—It would, but an equivalent would have been resigned for what was in excess.

1921. The mode of distribution would be by a Board of military officers, independently of the Court of Directors?—That is not the mode which I should prefer. I would with confidence leave it to the Chairman for the time being, officially, or to the Court collectively; but I think the other would be more acceptable to the service. I have every confidence in the Chairman officially, or in the Directors collectively, if they will only admit the principle of conferment on public grounds, and have the applications in a prescribed form.

1922. You have now stated the case with regard to the army. There is the naval service in India; have you any plan for the distribution of the patronage with regard to the navy?—The same thing might be done there as for the army.

1923. Then as regards the civil service, the same thing might be done there?—Yes, there might be an arrangement of the same numerical proportion.

1924. Then you would leave the Court of Directors without any patronage?—It does not follow at all because I take one-third for the army that I should take one-third for the civil service; on the contrary, I take one-eighth of a third, because it numbers so much less, and because I am sure that service will always be attended to from other causes.

1925. You apportion a certain quantum to the marine and a certain quantum to the civil service?—Yes; and I think, under this arrangement, one-half would be left to the Directors, one-half having been granted to the Indian services. I have not made the calculation, but I think that that would be the result.

1926. Sir *J. Hogg.*] You mentioned the family of the Lawrences, and particularly Sir Henry Lawrence; I believe he has not a son old enough to enter the service?—He has a son who should now be 16 years of age, but I did not mention him in connexion with any hardship.

1927. Are you aware whether he has applied for an appointment, and has failed in getting it?—I did hear that he had not yet got one; that he would be well content, think himself lucky, if he could get even a cadetship.

1928. Do you know it of your own knowledge?—No, I so heard from a brother of his.

1929. Are you aware that there is another distinguished brother, John Lawrence; do you know that he has a son who has obtained a writership?—No; I do not know.

1930. Do you know whether he has another distinguished brother, Colonel George Lawrence, whose son has obtained a writership?—I am aware that his son has a writership which he owed not to his father's services, but, as I understand, to a private connexion with the Director who gave it. I do not know who it was, but I have my own conjecture upon the subject.

1931. You know the fact that he has obtained a writership?—Yes.

1932. Lord *J. Russell.*] In distributing this patronage, would you have reference to the qualifications of the sons of distinguished officers and persons who belonged to the army in India, or would you distribute this patronage quite irrespective of any disposition for the civil or military service?—That disposition for the one profession or the other would be determined by the parents, by the boys themselves, by the usual causes. With regard to qualification, I should say that the same qualification should be required from a candidate under the system proposed as under the present system.

1933. Mr. *Hildyard.*] You stated that a greater number of appointments had been made to the army since the period to which you adverted. Have you any reason to believe that there exists a greater disposition to distribute the patronage on public grounds as the period for the renewal of the Charter approaches?—The Return itself shows that whereas one-fifth had been given during the first six years of the 12, one-fourth has been given during the last six years. I think

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that circumstance is likely to operate; but I do not mean that this increased number necessarily implies their conferment on public grounds.

1934. Mr. *Mangles.*] During the last six years have there not been very distinguished services in the army?—Yes.

1935. More so than in the first six years?—The first series of six years comprises the retreat from Cabūl and services in Affghanistan, and the services in Scinde and Gwalior; it comprises also part of the first campaign of the Sutluj. The second series of six years comprises the rest of that campaign and the second campaign of the Punjab.

1936. Mr. *Hardinge.*] Do you think that the plan of giving a third of the patronage to the Indian Army would affect the claims of the sons of officers in the Indian Army to commissions in the Queen's service?—I think it might, and I do not see why it ought not to do so. The claim, in the sense used in the question put, arises from the fact of their services not being attended to by their immediate employers. If it is shown that their immediate employers have assigned a particular part of their patronage for that express purpose, that claim is weakened; it is impaired, but does not disappear, because there will still be a number of disappointments; and in those cases the claim to reciprocity, of appointments being given to the sons of Indian officers in the Royal Army, because the sons of officers in the Royal Army have got appointments in the Indian Army, would still exist.

Martis, 8° die Junii, 1852.

MEMBERS PRESENT.

Mr. Baring.	Sir James Graham.
Mr. Herries.	Sir James Hogg.
Mr. Labouchere.	Sir Edward Colebrooke.
Mr. Vernon Smith.	Mr. Mangles.
Mr. Baillie.	Mr. Hardinge.
Mr. Wilson.	Mr. Cobden.
Sir R. H. Inglis.	Viscount Jocelyn.

THOMAS BARING, Esq., IN THE CHAIR.

Lieutenant-general Sir *George Pollock*, G.C.B., called in; and Examined.

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1937. *Chairman.*] WILL you be kind enough to state the length of your service in the Indian army?—I went out in 1803, and I have been home a little more than four years.

1938. Are you aware of a memorial having been sent in to the Court of Directors of the East India Company, complaining of the present mode of distribution of the patronage in the service?—I am aware of it.

1939. Did you sign the memorial?—I signed the memorial at the time, under the impression that the Court had cognizance of it, and had assented to the prayer of the memorial.

1940. Will you state the circumstances under which you signed it?—A copy of the memorial and a letter, both of them printed, were sent to me; at first I objected to sign the memorial. I forget what I did with it; but it was about a month and a half, or perhaps not so long as that, afterwards, when I was in the country, that I received a letter from Captain Macgregor, telling me that a number of officers had signed the memorial, that it was unobjectionable, and that my signature would have some influence, and that he hoped I would sign it, and at the time I did authorise my signature being affixed; but I have since had reason to regret that I did sign it, because it seems to have obtained much more importance than it deserves; and I think it has been interpreted very unjustly with regard to the patronage. My idea of the memorial at the time was, that it merely related to the way in which persons had access to the Court of Directors, to obtain appointments, and nothing further; but it now appears that the impression has gone

gone abroad, that it is a complaint that the patronage which the Court distributes is distributed in an improper manner: that I have no idea of, and I never intended any thing of the kind; and I believe many persons who signed the memorial have the same impression as myself.

1941. Do you concur in the opinion expressed in the memorial, that there are not a sufficient number of appointments given to relatives of the members of the service?—I was wrong, perhaps, in not giving that attention to the memorial which I should have given; but my impression was, that whoever prepared the memorial had got the details (which I never read) from the India House; and of course I concluded that whatever the detail was, it would be correct.

1942. Have you, from your general and long experience and extensive acquaintance with the members of the Indian Army, reason to think that applications for appointments upon public grounds are generally attended to by individual directors?—I should say decidedly so. I know many instances, myself, where they have been attended to. When I was at Jellalabad in command of the forces there, a lady of the name of Anderson (whose husband had died in going through the Khybur Pass) wrote to me, requesting me to apply to the Court of Directors for a cadetship for her son. I declined, stating that I had no right to apply for anything of the kind; but I sent her a certificate, stating the way in which her husband had lost his life, and she sent it to England, and five or six months afterwards an appointment was sent out to this lady. I was not known to any of the Directors, except Colonel Galloway, and this lady was not known to any of them, and Major Anderson kwas not nown to any of them; and therefore I should say that the appointment must have been given on public grounds. There have been many instances of the same kind which do not occur to me at the moment. In the case of Mrs. Anderson, again, she had, I believe, a second son provided for in the same way, but not from any private source; it was entirely on public grounds, consequent on my giving a certificate. The same thing occurred with Lieutenant Stewart of the Horse Artillery; his son has been lately provided for, the father having been killed on the retreat from Cabul. There are many other instances; there may be some cases where the persons applying have not received appointments, and they feel that there is an injustice; but whether it is unjust or not I cannot say: many persons apply for appointments who have not any public claims.

1943. The Committee is to understand that many instances have come under your own personal knowledge, where appointments have been given to the relatives of meritorious officers, without any private connexion with the Directors?—Yes; entirely on public grounds, many appointments I know have been given.

1944. Do you believe that a great deal of dissatisfaction exists in the members of the military service as to the distribution of the patronage by the Court of Directors?—I cannot say that I do; I think there is dissatisfaction with regard to the mode in which they are obliged to apply to them; that is, there is no access to the Court of Directors; it is only to individual directors, and there is an objection to that mode; but how that is to be remedied I cannot say. I do not believe there is an objection to anything, but the mode of addressing the Court.

1945. Have you any suggestion to offer as to the mode of correcting that?—No, I have none; but it seems to me to be quite a domestic matter with regard to the Court, and one with which the public could hardly interfere.

1946. Do you consider that the military servants of the Company have their fair proportion of the patronage, as compared with other classes of society?—I think so; with regard to public grounds, they certainly have, as far as I am able to judge; there may be cases where it has not been so, but I am not cognizant of them.

1947. Do you think that it would be advantageous to the military service of India to give a certain proportion of the appointments to the relatives of military officers?—No; I think (having heard so much of this memorial since my name has been attached to it, and which I did not pay much attention to at the time) that if the memorial were complied with, it would be a detriment to the service rather than a benefit, because it would be placing a certain number of appointments with the Court, to be given on public grounds; and no director would, after that, I should suppose, give on public gounds any more than those appointments which were actually on the table. Now some of the directors I know

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know give almost the whole of their appointments on public grounds; I, therefore, think it would be detrimental to adopt the memorial.

1948. Do you think any prejudicial effect is produced upon the efficiency of the army by the present mode of nomination?—Certainly not.

1949. Although you were not at Addiscombe yourself, can you give the Committee your opinion as to the qualifications of the young men that have been sent from Addiscombe for the services that they have to perform; do you consider the education to be efficient?—I think it is very efficient indeed; I think the system throughout at Addiscombe exceedingly good, and I think the young men who are turned out from Addiscombe as engineers and artillery are fit for any situation; they are extremely well educated, and great care is taken of them.

1950. Sir *J. Graham.*] I find in the memorial this passage: "That the present proportion," that is, of the patronage, "must still be considerably under what a generous recognition of meritorious service might dictate." Upon a full consideration, do you consider that a just allegation or not?—I am unable to speak as to that in reference to figures, for I have made no memoranda of anything of the kind: I think the distribution of the patronage, generally speaking, as far as I am able to judge, is very just and very fair.

1951. Upon full consideration, therefore, you would wish that passage to be qualified?—Yes.

1952. I find this statement: "That it is desirable that a change should take place with regard to the mode of distributing the patronage; instead of their being as now solicited from individual directors by your officers and their widows, with an importunity often in vain, but which, whether it succeed or fail, is always troublesome, perhaps painful to yourselves, and is so beneath the manliness of the military, and so against the retiringness of the female character, that not even the parent's anxiety for the welfare of a child can always make it consist with self-respect;" is that your opinion now?—With regard to the approach to the Court of Directors, I think it is objectionable, having to go to every individual to apply for an appointment; but I do not know any other system that could be adopted.

1953. Would you adhere to this expression, that "it is beneath the manliness of the military, and the retiringness of the female character, and not consistent with the self-respect of parents," as applied to the present mode of obtaining military patronage?—I think the present system is objectionable in parties having to go to each individual director.

1954. Those are words which I find in the memorial which you signed; deliberately, upon further consideration, do you consider that those expressions are justly applicable even to the mode of applying for appointments?—I think they are too strong; but I think the mode of going to each individual director is objectionable.

1955. As to the proportion, did I understand you to say that you thought, upon the whole, the proportion of patronage given to military officers was a just and fair one, and not insufficient?—Before I could give an answer to that question I should require to know the amount given, which I do not know; but, generally speaking, I should say the proportion given to military officers is fair and just.

1956. The prayer of the memorial ends with the expression of desire, that "a liberal share of appointments to India be in future distributed by your Board collectively, on public grounds, among the most deserving claimants;" did you mean, when you signed the memorial, that a liberal share of appointments to India has in times past not been distributed on public grounds?—I cannot say that I understood it as such; but I certainly must say that I did not give that attention to the memorial which I ought to have done; I took it more upon trust than anything else.

1957. Mr. *Vernon Smith.*] Under what circumstances did you sign this memorial?—The memorial was sent to me, as I said before, by Captain Macgregor, in a letter addressed to me.

1958. Was there any meeting of the military officers upon the subject?—No meeting, that I am aware of; but I understood that a great number of other officers had signed it, and that it would be beneficial if my name were attached to it, and I authorised my name being appended, after having been applied to twice; in the first instance I thought it objectionable.

1959. You say you did not pay attention to the wording of it?—Certainly not.

1960. Supposing it were resolved, as suggested in the memorial, that a certain proportion of patronage should be given to the sons of deserving officers, how would you propose to distribute it; at whose discretion?—My idea was, that the Court of Directors would form a committee, and that the applications would come before that committee, and be laid upon the table.

1961. Would not that involve the necessity for applications which are said to be so irksome and invidious?—I think not, because the application might be made to the secretary or to the chairman, and he would refer it to the committee.

1962. The advantage would be that the application would be made to a public body, and not to private individuals?—Yes.

1963. Sir *J. Graham.*] Did I rightly understand you to have said that you feared the effect of that would be, that the directors in their public capacity would give no patronage to merit?—Certainly; that is my idea, that they would not give on public grounds any appointments beyond the number they would be bound to give; and for that reason, upon consideration, I thought the memorial very objectionable.

1964. On further consideration, you think the plan to which you have just adverted would not be conducive to the interests of the Indian officers?—I think not.

1965. Are we to understand that upon the whole, on further consideration, you think the arrangement as it stands is better than that contemplated by the memorial?—Certainly. As far as some channel of communication being given for persons applying, it seems to me to be more a domestic arrangement of the Court than a public matter, and the advantage would be that persons would not have to go from door to door.

1966. If there were facilities given of applying to the Court, leaving the patronage to be distributed by the directors in their individual capacity without any particular proportion being given to military officers, that would meet your view?—Yes.

1967. *Chairman.*] Your idea is, that there should be a committee to sift the grounds of application, leaving the distribution of the patronage to the individual directors as it now stands?—Yes, the committee would decide whether there were grounds for the application, and it would do away with the objectionable mode of applying to the individual directors.

1968. Sir *J. Graham.*] If a director wished to give any portion, year by year, of his patronage to merit, he would have at the India House the ready means of access to the applications which rested on merit?—Yes, without having applications made to him privately.

1969. Sir *J. Hogg.*] Do not you think that at present any director has an equal opportunity of ascertaining the merit of any applications by reference to the Military Secretary and the records at the India House?—I do not know whether it is so or not.

1970. You stated that you signed the memorial under the impression that it was to be presented to the Court of Directors?—Yes.

1971. Was it presented to the Court of Proprietors at the quarterly meeting, or to this committee, with your knowledge, sanction, and approbation?—Quite the reverse.

1972. If any conversation or communication took place with Captain Macgregor on the subject of its presentation either here or before the Court of Proprietors, will you have the goodness to state it?—After the memorial had been brought before the Court of Proprietors, I called upon Captain Macgregor, and I told him that I was very much surprised at its having been brought before the Court of Proprietors, and he told me that the Court of Directors had done it themselves; and I then said, "Now, recollect, my idea in signing the memorial was, that it was to go before the Court of Directors, and the Court of Directors alone, and if anything further takes place my name is not to be mentioned in the business. I have nothing to do with the memorial further than with the Court of Directors." That is what I said.

1973. Mr. *V. Smith.*] Would the result of your proposal, to submit all applications to a committee, which would sift them, be this, that that committee having sifted them, and laid them before the Court, each individual director would become aware of those cases, and in the exercise of his patronage he would consider the claims of meritorious public officers; whereas at present some of the directors

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may be generously inclined to do so, but others may at the same time completely shirk their duty?—That is very true.

1974. Sir *J. Hogg.*] When you signed the memorial, you were not aware of the proportion of patronage allotted to the servants of the Company?—I was not aware of it.

1975. If it should appear from a return to Parliament, that one-third of the patronage was allotted to the servants of the Company, military and civil, would you think one-third a sufficient proportion?—I do not know: I have not duly considered the proportion.

1976. Would you think it for the benefit of the service that the sons of military men should get military appointments, and that the sons of civil servants should get civil appointments; or do you think that the public good requires that the services should be blended, and that no special set of men should be entitled to any special set of appointments?—I should think it not desirable that any special set of men should be entitled to any special appointments. I am an instance of the reverse; my son has got a civil appointment, and has gone into the civil service; and there are many other instances.

1977. As far as your experience goes, do not the sons of military men frequently get civil appointments, and the sons of civil servants frequently get military appointments?—I have known many instances of the sons of military men getting civil appointments. As a rule, I should think it would be very bad to confine military appointments entirely to military men.

1978. Mr. *Hardinge.*] Do you know how many general officers signed the memorial?—I do not.

1979. Sir *E. Colebrooke.*] Do you think the system of education at Addiscombe might be beneficially extended more generally among the military appointments to India, and that a greater number of cadets might go through Addiscombe?—I thought all went through Addiscombe.

1980. It is only a portion who go through Addiscombe?—I believe they all undergo an examination; I should think it would be beneficial having all of them at Addiscombe.

1981. You would recommend that education to be given to all?—Yes.

1982. And that would give a larger power of selection for officers of engineers?—Yes.

Colonel *Thomas Matthew Taylor*, called in; and Examined.

Col. *T. M. Taylor.*

1983. *Chairman.*] WILL you state the length of your service, and your present rank?—The length of my service is 43 years, and a little over, and my present rank is brevet-colonel.

1984. Did you sign the memorial that was sent in to the Court of Directors, complaining of the distribution of the patronage, as regards the servants of the Company?—I did not sign it, but I gave my assent to it.

1985. Will you state what induced you to do so?—I did it entirely in deference to what I believed to be the opinions and sentiments of a number of officers whose rank and character I considered entitled them to respect, and not from any conviction of my own as to the expediency of such a memorial.

1986. Did you read the memorial before you gave your assent to it?—I looked over it. I read it for the purpose of ascertaining that nothing was in it that could be considered disrespectful to the Court of Directors, but yet not in any way weighing the facts, or being answerable for any facts or arguments or inferences that were put forward.

1987. Upon consideration, do you concur in the opinions therein expressed?—In some I concur, but not in all.

1988. Will you state in what opinions therein expressed you concur?—I thought, and this is the only part which occurs to me at present, that it was felt generally in the service, that the mode in which the patronage was conferred upon officers was not satisfactory to them.

1989. Is that your opinion still?—It is my opinion, that the officers of the service feel that the mode of conferring the patronage is not satisfactory.

1990. Are you able to state the reason why the present mode is not satisfactory to the service generally?—I think that officers, and ladies in particular, find it humiliating to be obliged to go from door to door of the several directors, for the purpose of urging their claims upon them; and I believe they feel it so humiliating,

ing, that nothing short of the imperative necessity of providing for their offspring would reconcile them to it.

1991. Do you believe that the cause of dissatisfaction is the present mode of application, and not the amount of patronage that is distributed to the servants of the Company?—I do not know that I am prepared to answer that question fully, but that is my opinion, that that is the cause of the dissatisfaction, or of what is complained of, rather.

1992. Does your present experience lead you to state that the claims of the servants of the Company have been disregarded by the directors, in respect to patronage?—Certainly not.

1993. Can you suggest any mode in which the distribution of the patronage would be more agreeable to the service?—I think that if the restriction which at present exists, to preferring claims to the Court of Directors as a body, was removed, it would be satisfactory to the service; and if applications were admitted, supported by the Commander-in-chief, and perhaps by some of the superior officers, it would remove one cause of dissatisfaction. Of course every application could not be successful, but such as might be deemed worthy of consideration might be met by some arrangement amongst the directors themselves.

1994. Do you believe that a regulation to distribute a certain amount of the patronage amongst the servants of the Company would be beneficial to the service?—I do not; I think such an arrangement would close the door to any other description of application.

1995. Do you think it would give a larger amount of patronage to the servants of the Company?—I think not.

1996. Has the present mode of nomination, in your opinion, worked prejudicially to the military service in India?—Not as far as I have had any opportunity of observing.

1997. Sir *J. Graham.*] From your experience and knowledge, should you say, practically, that the sons of the most meritorious officers have obtained appointments?—I have heard of instances where meritorious officers have failed in obtaining appointments; but within the scope of my own knowledge I cannot recollect any instance in which an officer of merit has not succeeded in obtaining at least one appointment for his son.

1998. Failure may be regarded as the exception rather than as the general rule?—As far as my experience goes, I think so.

1999. On reflection, you would not be prepared to adopt all the expressions in this memorial, commenting in very harsh terms upon the distribution by the directors of the patronage?—I never was prepared to adopt them; and indeed I assented to the memorial in deference to the opinions of those whom I felt bound to respect. If that arrangement was adopted, my opinion is, that it would operate disadvantageously to the interests of officers, for the door would be closed to them for obtaining private favours by individual influence with the directors; applicants would be immediately referred to the reserved number of appointments.

2000. The rule restricting officers from applying to the Court of Directors, as a body, is not based on statute, but on a bye-law of the Board?—I am not competent to answer that question.

2001. But you are sure that the rule exists, that officers are not allowed individually to present petitions founded on good service to the Court of Directors?—The Government of India will not receive petitions to forward to the Court of Directors, as a body, for appointments; of course an officer can only address his superiors through the proper channel of communication, which would be the Commander-in-chief; and could not, according to the established rule, at least the custom of the service, forward a memorial direct to the Court.

2002. The obstacle exists in India to officers serving there, but does it exist here?—I am not aware that it does.

2003. Sir *J. Hogg.*] When you say that officers cannot prefer a memorial to the Court of Directors claiming the appointments on the ground of service, I presume you allude to the well-known usage of the Court, of always returning a reply that the request cannot be complied with, inasmuch as the Court of Directors have no patronage to distribute?—I do not know that fact, except by inference; everybody is perfectly aware that the Court as a body have no patronage at their disposal, and that it is divided into a certain number of portions, and left to the disposal of those to whom it is given.

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2004. The Court, as a body, having no patronage, must, of necessity, decline any applications made to them as a body?—Yes, as a matter of course, it must do so.

2005. *Chairman.*] You stated that you had signed the memorial in deference to the opinions of others; did you mean to refer to a few particular instances, or to the number of assents that the memorial had previously obtained?—I referred more particularly to the character and weight of a certain number of individual names which were given to me, but generally to the great number which were given also, showing it to be a general wish, rather than confined to a few individuals; I respected the opinions of some individuals whose names were given to me more than others, and perhaps without their names I should have acted differently.

2006. Had you communicated with those individuals before giving your assent to the memorial?—Not at all.

2007. You were entirely influenced by seeing their names?—Entirely; I received the letter on the evening of one day, and answered it the next day. I was absent from town, and had no opportunity of communicating with anybody.

2008. Sir *J. Graham.*] This memorial points to a change in the mode of distribution of the patronage; whatever the proportion allotted to the meritorious services of the army may be, it suggests that it should be awarded by the Court of Directors collectively, in some manner which is not plainly pointed out; that would be entrusting the patronage to the Court, whereas it is now distributed by the directors individually; are we to collect from your evidence that on reflection you do not desire the change which this memorial asks, and that you would wish to see the patronage still distributed by the directors individually?—I am not prepared to give an opinion on that subject.

2009. The memorial asks for the distribution by the Board collectively?—That a portion of the patronage should be set aside for distribution among the sons of military officers in the service.

2010. By the Court of Directors in their collective capacity?—Yes.

2011. Do you adhere to that wish as expressed in the memorial?—I do not, and never desired it.

2012. But that is what the memorial asks?—I have stated that I was acting in deference to the opinions of others, and not according to my own views of the case.

2013. And now, upon full reflection, you do not desire the objects sought in that memorial, but you prefer the present practice of distribution by the directors individually?—I do not desire the appropriation of any number of appointments to the military service to be distributed in the way proposed.

2014. You prefer the distribution by the individual directors, whatever the proportion may be, to distribution by the Court collectively, as sought in the memorial?—I do; and I think it necessary to state my reason for it. I think I have already stated in what I have said, that if any number of appointments were reserved for distribution in this manner, the number of appointments given to military officers would be limited to that reserve; no larger number would be given; and in that case, if an applicant went to a director and endeavoured to influence him by his own personal solicitation, the answer he would receive probably would be, "You must look to the reserved number for what you wish."

2015. Then, in your opinion, the officers who signed this memorial have sought a change which would not be conducive to their own interests, well understood?—That is my opinion.

2016. Mr. *Vernon Smith.*] You stated that you signed the memorial in deference to the opinions of others; but as you did not consult them, you signed merely in deference to their names?—In deference to what I knew of their characters.

2017. Have you communicated with them in order to ascertain their opinion since?—I have with a few; four or five.

2018. Many of them, we presume, may entertain the same opinion that you have expressed yourself?—I should say it is possible and probable.

2019. According to what you have stated, we could not consider the signatures which are attached to this memorial as conveying a concurrence of opinion on the part of those persons in the views expressed in the memorial?—No, not if I am correct in what I have stated; of course I refer to the opinions of the few only with whom I have spoken on the subject.

2020. Mr. *Wilson.*] Your opinion is, that if the memorial were complied with, it would rather limit the chances of the service obtaining patronage than otherwise?—So I should think.

2021. Sir *J. Hogg.*] You stated that you signed that memorial under the belief that it was to be presented to the Court of Directors?—Undoubtedly, and for no other purpose.

2022. In regard to its being produced before the Court of Proprietors, and to its being produced before this Committee of the House of Commons, have you given your sanction and approbation to that?—I have not.

2023. And you would disapprove of any use being made of your name, as attached to that memorial, in producing it before this Committee?—Undoubtedly I do; the use of my name was to go no further than to present it to the Court of Directors.

2024. As far as you can judge, from communication with the officers generally who signed that memorial, do you believe it was their intention that it should be limited to presentation to the Court of Directors, or do you believe that they contemplated any ulterior proceeding like the present?—I have not had any communication on the subject with any of those who have signed it, except four or five; and, as far as I can judge from what they said, I believe they had no intention of its going further, or of being used for any ulterior purpose.

2025. Sir *E. Colebrooke.*] Do you consider there is any inconvenience in the present mode in which persons who have claims from their public services have to make application for appointments?—It is undoubtedly inconvenient to a great number; in short, it operates to exclude the applications of a considerable number of most deserving men. I allude more particularly to the regimental officer, a person who spends all his life with his regiment, and who belongs to as valuable a class of officers as any in the service, perhaps the most valuable. Those men are seldom known beyond their own circles; and many of them are not in circumstances to enable them to come home to England to urge their own claims personally, or bring them under the notice of the Court, nor have they friends in England to do it for them; they are, therefore, practically excluded from participation in the distribution of the patronage of the Court.

2026. Have you any suggestion to make as to the mode in which those claims could be met?—Only in the way that I have stated before, namely, by removing the restriction which prevents officers at present making applications to the Court of Directors as a body; if they could obtain access to the Court by an application, supported by a recommendation from the Commander-in-chief, or by any of the superior officers, that would remove a difficulty which lies in their way at present.

2027. You think that there is an evil from the want of a channel of communication between meritorious persons and the individual directors?—Yes, the evil is, in the channel to the Court of Directors as a body being closed against applications for appointments. I think they feel that it debars their chance of obtaining notice of their cases.

2028. If cases of that kind are brought before the Court as a body, you have no doubt that, from the feeling of the members of the Court, there would be a disposition to act liberally towards the class to which you allude?—I believe so; I have no reason to doubt such a disposition; and I go on the supposition that by some arrangement amongst themselves they might meet such claims as appeared to deserve notice; of course every claim could not be successful.

2029. Mr. *Baillie.*] You said, that in signing that memorial you intended it to be presented only to the Court of Directors?—When I assented to the memorial my intention was that it should be presented to the Court of Directors only, and made no further use of.

2030. If your object was more likely to be obtained by the memorial being presented to the Committee of the House of Commons, should you have felt any objection to that?—Certainly; my immediate masters and superiors are the Court of Directors, and it is to them I am bound to look in the first instance, and in every instance.

2031. Then you think that it would not have been proper, being in the service of the Court of Directors, that you should address any petition direct to the House of Commons?—Not to set aside the Court of Directors. But there might arise a very strong and urgent case which might, perhaps, overcome my objection to it.

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2032. Sir *R. H. Inglis.*] Without reference to any strong and urgent case, in the actual circumstances you did not wish to appeal from your own immediate masters to any other tribunal?—As a military man I am taught to look to my immediate superior for the redress of my grievances or for the gratification of my wishes; I am to apply to him, and he is to forward my application to whatever authority has the power of meeting those wishes. I stated that I did not sign the memorial; I should explain that; there is a military rule that no memorial shall be signed by more than one individual; but that is met in this way; when there are a number of men who have the same wish and the same object, they give their assent to some one individual to sign on behalf of the whole; in this case General Welsh signed it as the senior officer of those who had given in their assent to the memorial.

Colonel *Robert Alexander*, called in; and Examined.

Col. *R. Alexander.*

2033. *Committee.*] WILL you state the rank you hold in the Indian service?—I am Colonel in the Madras Army.

2034. What is the period of your service?—Thirty-three years' service.

2035. What appointments have you held?—Several; I was last Adjutant-General of the Madras Army.

2036. Did you sign the memorial which was sent in to the Court of Directors with regard to the distribution of their patronage?—With regard to the distribution of the patronage and other subjects, I did.

2037. Do you concur in the whole tenor of that memorial?—I do not concur, and I intimated to the gentleman who applied to me to sign it, that I did not concur in all his views, but I thought there were points in it which required to be brought to the notice of the Court of Directors, and therefore I signed it.

2038. Will you state what those points are?—The fourth paragraph is the one that I agreed to, with particular reference to the nominations to the service of the sons and relatives of those who had died in the public service, being obtained by private favour, instead of an opportunity being afforded of urging those claims officially on public grounds. Again, this portion I agreed to: "That your memorialists respectfully submit, that in Her Majesty's Army, the claims of the sons of officers, on the ground of their fathers' professional services, are readily admitted and generally attended to; and that even in the preparatory education at Sandhurst, the son of the royal officer, according to the rank and means of his father, is received at a yearly charge from 60 to 36 per cent. less than what is paid by the sons of the private gentleman; whereas, at Addiscombe no distinction whatever is shown, although the cost is treble the pension which the youth may receive from the military funds." Generally I agreed in that. I am not sufficiently aware of the details to know whether they are correctly stated, but the principle I agreed in; and I also agree in that part of the paragraph which refers to the importunity of urging claims, and often in vain; "but which, whether it succeed or fail, is always troublesome, perhaps painful to yourselves, and is so beneath the manliness of the military, and so against the retiringness of the female character, that not even the parent's anxiety for the welfare of a child can always make it consist with self-respect." I think, generally, those are the points to which I expressed concurrence.

2039. Do you concur in the view of this memorial, that the service has not had its fair share of the distribution of the patronage?—I have never entered into the statistics of the question; from what I have read since the subject was agitated, I should be prepared to find that it has about its fair share.

2040. Can you suggest any remedy for the inconvenience of which you complain?—The remedy that I would suggest would be having an official channel of communication to the head of the Government; either to the Chairman of the Court, or to the Court in its collective capacity, to which an officer could apply for provision for his family, as a claim upon the public, instead of being obliged to go, as he is now, from door to door, and beg it as a matter of private favour.

2041. Has it come under your own personal knowledge, that the claims of meritorious servants have been disregarded in the distribution of the patronage?—It has come under my personal knowledge that many officers have failed in obtaining cadetships. I do not, at this moment, remember any instance of the relatives of an officer who had either fallen in the service, or who had particularly distinguished himself, having applied for an appointment, and not having succeeded.

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The danger of disregard would be to those officers who render invaluable and yet undistinguished services continually with their regiments.

2042. Have cases come under your knowledge where there has been no private influence whatever, and the patronage has been given entirely on public grounds?—Many instances, I should suppose, are such. I remember one in particular of an officer whom I had known for many years, who died in action in China; his son was provided for, and my impression is, that he had no personal knowledge whatever of the directors. I know two instances in which officers in India wrote to members of the Court. I do not believe that they were personally known to the directors, but they stated the claims of two other officers, and each of their sons was provided for. I may mention that in our army there are some officers who have risen entirely by their own merits without having had commissions when they entered the service; they have risen from the ranks; and I know three instances of their sons being provided for, and I should suppose that the parents had no personal influence with the members of the Court. I mention these as instances.

2043. Am I right in supposing that you confine your objection to the present system to these three points: first, that there is no public officer or department to take into consideration the claims of the service; secondly, that it is not as in Her Majesty's service, where the sons of officers have an advantage in the expense of their education; and thirdly, you complain of the necessity of private solicitation for appointments?—These are the three points in which I particularly concur.

2044. Those are the only three points upon which you concur in this memorial?—I should concur in the others generally so far as this, that considering that all public servants have a claim of some kind upon the Government they serve, those of the East India Company have a peculiarly strong one, inasmuch as their whole lives are passed away from their own country, and they are more dependent upon the Government than men who are living in the midst of all the opportunities of providing for their families which occur in England.

2045. Is it the result of your experience that they have not their fair share of the patronage in comparison with the other classes of Her Majesty's subjects?—As I said before, I have never entered into the statistics, but I should say, as far as my impressions go, and from what I have read, they have a fair share of the appointments.

2046. Do you believe that as regards the number of appointments the service would be benefited by the plan you suggest of making the applications to a public office instead of to individual directors, as now practised?—The question would imply, if I take it rightly, that there are a certain number of appointments allotted to the army, and that the question is merely whether it would be an improvement to be enabled to apply for those appointments through an official channel, rather than through the individual directors privately. I should say that if allotting a certain number of appointments to be given as a matter of right to the military officers for their children, is to shut the thing up, rather than that there be held out a general hope of provision for their families as a matter of reward, the army, so far from being benefited, would be in a worse position than at present.

2047. Sir *J. Graham.*] Take the other view, that there is no limitation of the number, and that the mode of applying only is changed, the mode adopted being to apply not to individual directors, but to some constituted authority that should receive applications at the India House?—If there were no limitation of the number, I should say it would be a great improvement; it would be much more gratifying to the feelings, and more suitable to the dignity and spirit of the officers, that they should apply to an authority of rank at the India House.

2048. *Chairman.*] The memorial complains, "that there is no department or public functionary anywhere that has the power of rewarding, by the conferment of appointments to India on their sons, the public service of the most meritorious officers;" are you still of opinion that such a department or public functionary should be appointed?—I should not make such a statement as you have read, because although there is no official means of applying for such a provision for their children open to the officers of the army, the fact is, that they are provided for by the directors, who are public functionaries; but it is in the way in which it is done that I would venture to suggest an improvement.

2049. You mean that you agree in principle, without specifying the details of the application of that system?—Yes.

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2050. Sir *R. H. Inglis.*] Unless there be a fixed proportion of patronage reserved to the servants of the Indian army, how would you provide that such reserve should not be absolutely illusory?—That embraces a wide question; since the subject has been agitated I have thought a good deal of it; if a fixed number of appointments were set apart for officers of the army, it would be understood that that was entirely to meet all their demands. I think that would, in the first place, shut them out from the hope of other appointments; from civil appointments; and if it became a matter of right, it would then follow that a commission in the army gave a kind of hereditary claim to the children, which might lead to another question, viz., whether the Government would not have the right to place, or whether it might not be expedient to place, some limitation on the demands that might come upon them, by the introduction of some such rule as exists in the Prussian army; and this is a very serious question as regards the morale of the Indian army; when the Government recognises the claim of its officers, I should feel confidence that a high and honourable feeling of the responsibility of dealing fairly with the claim, and the wholesome influence of public opinion, would both tend to prevent the recognition proving illusory.

2051. Sir *J. Hogg.*] By a limitation of the demand, do you mean a limitation of the marriages?—Yes, that would be put to the army perhaps; and then, again, if a proportion is struck, and there are so many military appointments, and so many military officers, who are to have a proportion of the whole, hereafter another question might arise, viz. whether that proportion should have reference to the number of officers or to the number of children? that is a question which might occur, because many will be disappointed when once you have a fixed number, for you cannot gratify all; and those who do not succeed will perhaps naturally look to, and plead for the number of children unprovided for, rather than be satisfied that a comparatively small number of officers have been more fortunate than themselves.

2052. This memorial, I believe, was chiefly got up by Captain Macgregor; and, as related to the presentation of that memorial to the Court of Directors, he seems to have acted on behalf of the officers who signed that memorial; apart from that specific purpose, do you regard Captain Macgregor as expressing, or as authorized to express, the opinions of the officers, or any of them, who signed that memorial?—I literally know nothing of how the memorial was got up, but, seeing the names that were attached to it, I presumed that Captain Macgregor was acting in concert with them. Certainly he is not an exponent of any opinion of mine, nor have I ever been asked whether he should appear as such.

2053. As far as you have had an opportunity of forming an opinion, have the services of officers in the service of the East India Company been regarded by the directors as affording a claim to patronage and to commissions for their sons?—I am not aware that such a claim has been recognised by the directors as a body, but I am aware that the sons of officers have been provided for; and I can draw no other conclusion than that they were provided for on public grounds, on account of their fathers' services.

2054. You are aware that the Court as a body have no patronage at their disposal?—I am.

2055. But any officer addressing a memorial to the Court as a body, claiming an appointment for his son, gets, as a matter of course, an official reply that his application cannot be complied with?—Officers in India are not allowed to address the Court as a body, on this subject.

2056. You are aware that there is no objection to officers at home doing so?—I know of no instance of an officer at home making any but a private application to an individual director.

2057. You are not aware of private applications to the Court collectively?—No.

2058. Mr. *Wilson.*] If such an application has been made, it must be obvious, as the Court has no appointments at its disposal, that it must be negatived?—Yes; in my official position in India, if such a memorial was sent to me, it was my duty to return as the answer, that it could not be received.

2059. Sir *J. Graham.*] From your experience, should you say, on the whole, that officers in India have as fair a share of the patronage as officers at home?—I could not answer that question satisfactorily to myself without having some data to refer to; it must be remembered that an officer who cannot come to England

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to urge his claims may have a sick wife or zealous friends in this country to act for him on behalf of his son.

2060. From your general knowledge, you could not give any opinion upon that point, whether the officers in India receive as fair a share of the patronage of the individual directors as the officers who are at home on leave?—I have never considered the subject before; but answering off-hand, I should suppose they did; I have no reason to suppose the contrary; but I have never considered the subject; I merely take it as you put the question to me.

2061. Something has been said by you of the analogy of the Queen's service; at the Horse Guards an application is made to the secretary of the Commander-in-chief, and the Commander-in-chief has the power of advising the Queen as to the patronage to be given; would not that analogy fairly apply to the India House if application were made to the military secretary, for instance, and the patronage remained, as at present, in the hands of the individual directors, and not of the Court?—The cases are not quite the same; there is something peculiarly gratifying in any officer going to one of the highest rank in his own profession, such as the present military secretary to the Commander-in-chief; if there was a similar officer at the India House, and he received the applications, the applicant would no longer be concerned, I imagine, as to how, amongst the body of directors, the appointment was to be given; but he would be satisfied that he had laid his application before the Court through a high authority, and that his claim would be estimated, and a suitable answer returned.

2062. But you have negatived the proposition of having a fixed portion of the patronage as of right given?—Yes.

2063. Then there would still remain the favour of the individual director in the distribution of the patronage assigned to him?—I should rather regard it as a prerogative of Government to dispense its patronage for the public service, than take it in that point of view as a personal favour.

2064. At the present moment, whatever the moral obligation may be upon the directors in the distribution of the patronage, they have a complete and unlimited control over the exercise of it; the only alteration you would suggest is as to the mode of application; but the power of the directors to distribute the patronage would remain unchanged, unless there were a fixed portion assigned to the Indian army, to which you object?—It would be so. But when I object to a fixed proportion, I do not think the question shuts itself entirely up in that. I think the army should be entitled generally to participate in the patronage of the Government; I think it very essential for the public service, and for the harmony and good feeling of all concerned in it, that the sons of the officers of the different branches of the public service should intermingle; that the sons of civil servants should be in the military service; and the sons of military men in the civil service; and that sons of officers of Her Majesty's service and young gentlemen from the different classes of society in England should also be in our army. I therefore would venture to say that it would take a wider scope than making a rule-of-three sum of so many cadetships to be allotted to a certain number of officers.

2065. Mr. *Mangles.*] Under any imaginable system of that sort, would there not necessarily remain a number of disappointed men?—No doubt there would.

2066. Do not you think that those disappointed men who failed to obtain appointments by public distribution, would seek to obtain the appointments by application to individual directors?—No doubt they would.

2067. Do not you think that the widows or wives of officers, in their natural anxiety to provide for their children, would go through as irksome and distressing a canvass as is at present gone through?—That is the practice at present; any gentleman in a high position under a Government is liable to such solicitations, and always will be; still it would be a gratifying thing to an officer or a widow to be able to go to the India House, as they go to the Horse Guards, and lay their claims before an officer of high rank.

2068. Do not you think that those who failed in their public application, owing to the superior claims of others being considered as paramount, would be urged, by the natural feeling they would have for their children, to go through the same irksome and distressing applications to individual directors as at present?—I think they would; and I see no objection to those who choose to use private solicitation having the opportunity of doing so.

2069. Then the change of system that you recommend would only reach comparatively

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paratively a few, whose claims would be thought paramount?—It would be open to all, without exception, to adopt this mode; if all could not succeed, yet all would have the satisfaction of presenting their claims in a way that was congenial to their feelings.

2070. After they had preferred their claims and had failed, do you not think that the feelings of human nature would urge them to adopt the course of applying to the directors individually, which would be even more irksome and distressing than the present mode of making private applications to directors?—No doubt they might still apply, but it would mainly depend upon the individual directors whether the applications should be irksome or distressing.

2071. Viscount *Jocelyn.*] It is not to any neglect which has been shown by any directors of the East India Company towards fair claimants on public grounds, but to the mode in which the application has been made, that you object?—It is impossible for me to say whether they have awarded their patronage on public grounds or not. I can only infer to what extent the directors have awarded their patronage on public grounds; but I cannot answer specifically as to these things, as I might do if I had returns to refer to. I have seen many instances in which I feel perfectly certain that the appointments were given on public grounds, because I can imagine no other grounds; the parties receiving appointments had not family or friendly connexions with the directors; they were only known as the sons of meritorious officers; and therefore it is very evident that the directors do award the patronage on public grounds. There are many who are disappointed; they feel it a most humiliating process to go through, and when they fail to obtain the appointment they feel it the more.

2072. Mr. *Wilson.*] There is one particular point to which I should wish to draw your attention, in the analogy which you drew between the India House and the Horse Guards; with regard to the Horse Guards, the application being made to a public officer, he has it in his power to comply with the application, or to make such a recommendation to the Sovereign as leads to a compliance with it; but, on the other hand, the public officer at the India House, to whom the application was made, having no public patronage in his hands, and no control over it, could only apply on behalf of the applicant to individual directors of the East India Company for a portion of the patronage that they had at their disposal; are you of opinion that individuals would feel as well satisfied to leave such applications to private directors in the hands of the public officer, and that they would feel satisfied that their interests would be as well attended to in his hands as if they made application to those private individuals themselves?—I still reply to that, as I did before, that the applicant would go upon the principle of having what he thought a suitable channel of communication to the head of the Government he serves; it would still be a question for the Court to arrange among themselves how they would apportion the patronage to the claims that were before them. In Her Majesty's army the disposal of the patronage must depend upon the number of vacancies to be filled up, and it would be a question of special consideration every year in the Court how many appointments they would have to meet the claims of public servants, and how many, under the constitution of the Court, it would be fair for them to reserve to themselves. That would be a question for the Court entirely to decide; but all those who were officers of the army would have an opportunity of approaching them in a way suitable to their own position in society and congenial to their feelings.

2073. Would not the effect of that be, that a certain portion of the patronage would be set aside to meet the public claims, and would not the evils arise, which you have adverted to, of the claims of the army being considered limited to that amount of patronage?—I have said, that the patronage should not be restricted numerically as a matter of right; it should be a matter of reward; and that would of course depend upon circumstances; for example, after a severe campaign there would be a greater demand, I presume, upon the directors in respect of what is generally recognised as a claim for provision for the sons of those who are killed in action; under such circumstances there must be a flexibility in the amount; that is one great reason why the amount of the patronage to be allowed should not be strictly or numerically defined.

2074. Whether the quantity was strictly defined as the same numerical quantity year by year, or whether it were annually fixed upon according to the circumstances of the year by the Court of Directors when the patronage came to be distributed, do you think it would alter the principle, or remove the evil which you

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have suggested, that the claim of the service would be considered to be confined to such an amount of patronage?—It must be left entirely to the Court of Directors; it is their prerogative to judge of the claims and the rewards to be allotted.

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2075. Viscount *Jocelyn.*] If a portion of the patronage were set apart to meet certain claims, do you see any difficulty in its being open to the Court of Directors to bestow any of the other portion of the patronage which remained in their hands to meet such claims?—I see none.

2076. Sir *J. Graham.*] But if there were a fixed proportion set apart to meet such claims, do you think the directors would be likely to distribute any of the remaining portion of the patronage to meet those claims?—The director would, I presume, still give appointments to his nephew, or his son, or his friends, and in doing so would probably feel a higher satisfaction in being able to reward merit, while he gratified his private feelings of friendship or affection.

2077. Mr. *Hardinge.*] In those cases where the sons of those who have fallen in action have received appointments, may it be said that they have received the appointments on public grounds?—I have known instances of it, and I believe that generally they have been given on public grounds.

2078. Is it not your opinion that such claims are readily and immediately recognised?—I am not prepared to say that.

2079. You have stated that the apportionment of a certain number of appointments to the army would be a bar to their receiving appointments in the civil service?—I have said that if it were to be a bar, that is one additional reason why there should not be a fixed proportion.

2080. Would not the fact of there being a fixed proportion of the patronage allotted to the army, weaken the applications of the sons of Indian officers for employment in the Queen's service here?—That would depend upon the view taken by the authority applied to; I do not see why it should do so.

Veneris, 11° *die Junii*, 1852.

MEMBERS PRESENT:

Mr. Baring.	Mr. Mangles.
Mr. Herries.	Mr. Baillie.
Lord John Russell.	Sir E. Colebrooke.
Sir James Graham.	Mr. Vernon Smith.
Mr. Hume.	Mr. Hardinge.
Sir J. Hogg.	Mr. Spooner.
Mr. Hildyard.	Mr. Cobden.
Viscount Mahon.	Mr. Alderman Thompson.

THOMAS BARING, Esq. IN THE CHAIR.

Lieutenant-General *Macleod*, called in; and Examined.

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2081. *Chairman.*] WILL you be kind enough to state to the Committee your rank in the Indian army, and the length of your service?—I am a Lieutenant-general. I was originally belonging to the Engineers' Corps, and the length of my service is between 56 and 57 years.

2082. Are you aware of a memorial, which was presented to the Court of Directors, with regard to the distribution of the patronage?—Yes.

2083. Did you sign that memorial?—Yes, I did.

2084. Will you be kind enough to state your reasons for signing it?—It was presented to me by Captain Macgregor, both in writing and personally; it had been altered at various times at the suggestion of various persons, and I do not know how far it may have been altered before it was sent in; but I signed it as being an appeal to the Court of Directors themselves, and not with a view of its going any further than that; if I had had any idea of its going beyond the Court of Directors, I certainly should not have signed it. Upon a consideration of several points, it appeared to me at the time that something of the kind was

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practicable; but since then, after hearing the arguments *pro* and *con.*, I believe it to be quite impracticable, and that it would be of no service to the officers of the army, and would be very inconvenient to the Court of Directors themselves; and I do not think that those suggestions in the memorial could be carried out.

2085. Then, upon full consideration, you do not hold the opinions which are expressed in that memorial?—In many respects I entertain the same opinion, but my view of the case was this. In going through the India House at different times, I have been exceedingly distressed to see a number of most respectable ladies, the wives and widows of officers in the service, all placed in a very humiliating position; traversing the passages of the India House, and asking favours of the porters to get admission to the several directors. I believe the porters generally are exceedingly civil and kind to those ladies, but still it is a very humiliating position for respectable ladies to be placed in, and it was with a view to affording relief to those ladies, and under the impression that a considerable portion of the Court assented to that proposition (for I was under that impression from what I had heard from Captain Macgregor and other parties), that I signed the memorial, believing that it was done agreeably to the wishes of the Court of Directors, and not thinking of its going any further than that.

2086. You object to the present system as regards the mode of solicitation, but not as regards the mode of distribution of the patronage?—Exactly; the objection is that there are no means of appealing to any particular party; each director has the patronage. I do not know how it can be otherwise arranged, but I thought at the time that it might be otherwise arranged; that persons might address the chairman or some other party appointed for the purpose, stating the services of their husbands or fathers, or whoever they were, so as to induce them to give appointments from the body generally instead of parties being obliged to solicit individual directors; but I cannot see how it can be otherwise.

2087. Do you consider the proportion of patronage accorded to the relatives of officers in the Indian army sufficient or fair?—I think it is very fair. I have known a great number of instances where the patronage has been bestowed on account of the services of the parents or husbands of the parties applying for it. I have known many instances where the patronage has been bestowed in the most liberal and handsome manner by the Court of Directors; but at the same time it is quite impossible, under the present system, that it can be expected, because every director has his own family and friends to provide for; and there is no rule by which he is obliged to give appointments to officers on account of their services. But, nevertheless, it is done in many instances. I certainly have no cause of complaint in my own case, for I have had three civil appointments for my sons; in fact, appointments for all my sons, and two appointments in the military for my grandsons. In fact, as many as I had prepared to receive appointments have received them.

2088. Mr. *Hume.*] When you signed that memorial, was it your opinion that the relatives of distinguished officers in the service should have an opportunity of preferring any request they had to make direct to the Court, and that they should not be obliged to apply to individual directors?—That was my view of the case at the time; but, as I have stated now, on further consideration, and after hearing the arguments *pro* and *con.*, I do not think it is practicable.

2089. Entertaining that opinion, was it your idea at the time that they might have for their sons claims for appointments as cadets?—That was my view, that they might lay their claims before some one competent party; the chairman, or some other person appointed by the court to receive those claims.

2090. Claims founded on the merits from service of their connexions?—Yes.

2091. Are you aware that the Commander-in-chief is in the habit of giving commissions to the children of meritorious officers who may have suffered in the service?—Certainly.

2092. Was it your view that the claims of the officers of the Indian army might be treated in the same way?—Yes, that was my view at the time.

2093. You say you do not see any means by which that could be accomplished?—I think not on reviewing the case since; it was done in a hasty way; I had not considered the matter so much then as I have done since.

2094. If it could be done, you think it would afford a great relief to the relatives of meritorious officers?—Yes, particularly to ladies; for it is a very humiliating position for them to be placed in, but it is unavoidable.

2095. Are not officers in the Indian service, such as you have been for many years,

years, excluded from any connexion with persons here, so as to render a provision for their families extremely difficult?—It is so with a good many; it was not so with me, for I have a large connexion in this country.

2096. You have stated that you have no ground for complaint in your own case; have you a brother-in-law a director?—Yes, I have two brothers-in-law in the direction, and I have other intimate friends in the direction.

2097. But I wish your candid opinion upon the point, whether it would not be highly valued by the servants of the Company abroad, if a certain proportion of the patronage could be set aside to meet the demands of the children of meritorious officers?—I think they would be very much pleased to have it so; but at the same time I think the general body would be more liable to disappointment than they are now.

2098. Supposing the Court, as a court, to be the tribunal to whom applications were made, and that the relative services of different officers were submitted to them, do you consider that there would be any greater difficulty in the Court deciding justly, than any other party that the matter might be submitted to?—No, I do not see why there should be, if it could be so arranged; but if that arrangement was made, my belief is, that a greater number would be likely to meet with disappointment than now.

2099. Do you mean to say that the number of applications of relatives of meritorious officers is so great, that if there was a rule laid down as to the granting of patronage, the disappointments would be numerous?—Yes.

2100. Still would not a portion being set aside be a relief to a certain extent?—No doubt it would be a relief to a certain extent.

The Right Hon. the Lord *Elphinstone,* attending by permission of the House of Peers; Examined.

2101. *Chairman.*] WILL your Lordship state to the Committee, when, and for how long, you were Governor of Madras?—I was Governor of Madras from March 1837 to September 1842.

2102. Have you subsequently visited India; and if so, when, and in what capacity?—I went back to India in 1845; I went to Ceylon in the beginning of that year, and proceeded to Bombay in December 1845. I came home in March 1847. I was not in any public capacity. I wished to visit the other Presidencies, and to see something of the rest of India.

2103. Did that subsequent visit afford you further means of observation as to the present mode of conducting the Government of India?—Certainly from my being previously familiar with the system of governing one part of India, I was able to observe the results of different systems in other parts of the country.

2104. Will you state to the Committee, what, in your opinion, has been the effect of the changes made by the Act of 1833 in the relations of the subordinate Presidencies to the Supreme Government?—I think the effect upon the subordinate Presidencies has been upon the whole very injurious. I think it has lowered the character of those Governments in public estimation, and damped and depressed the zeal of public servants under those Presidencies. It has also led to considerable delay in the ordinary transactions of business.

2105. How have those changes produced those results?—I think that Governments that are deprived of the means of executing improvements which they consider necessary, and which are subject to minute supervision in every petty detail of administration, cannot be expected to command the same respect that other Governments possess that are not shorn of those attributes; I think the subordinates under those Governments feel the powerlessness of the Governments under which they serve. The delay that is caused is very great in the transaction of business. If the Governor-general happens to be at Simlah, which he frequently is, being about 2,000 miles from Madras, in a country where there are no means of rapid communication, the necessity of reference causes very great delay. If he leaves the duty of superintending the affairs of the other Presidencies to the Council at Calcutta, the delay is certainly lessened, at least as far as Madras is concerned; but it is at a further expense of the consideration of the Governments of those Presidencies, while the object sought to be attained, namely, the centralization of power in a single controlling authority, is defeated.

2106. Do not you think that the necessity of reference to the Supreme Government, as to all points of expenditure, has acted as a salutary check upon extravagance

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gance in the subordinate Presidencies?—I very much doubt if it has. I think that the responsibility is in some degree taken off the shoulders of the subordinate Government, and transferred to a Government which has no effectual means of checking the expenditure, or of knowing what expenditure is judicious and what is unadvisable.

2107. But the finances of India are under the control of the Governor-general in Council?—Yes; and I think the supreme control of the finances of the Government should continue in the hands of the Governor-general in Council, but that all the details of administration of the subordinate Governments should be left to the Governors in Council of those Presidencies.

2108. If the Presidencies of Madras and Bombay were placed on the same footing as the North-western Provinces, do you think that their condition would be improved?—I do not think that they could well be placed on the same footing. There are certain essential differences in the circumstances of those Presidencies and the North-western Provinces. There are separate armies, separate services, in Madras and Bombay, which do not exist in the North-western Provinces; there is also a Supreme Court in Madras and Bombay, which does not exist in the North-western Provinces; and I think there are other reasons, which are perhaps not at first apparent, why it would be impossible to assimilate them.

2109. Would it be necessary to amalgamate the army and civil service, and modify the character of the Supreme Court, in order to place those Presidencies upon a similar footing with the North-western Provinces?—Yes, I think it would, because, by merely reducing the Governor to the rank of Lieutenant-governor, and doing away with the Council, you would not effect that purpose.

2110. What would be the objections to an amalgamation of the armies and the civil services, if this measure were considered to be necessary?—I think, in the first place, the chief merit of the separate services is their acquaintance with the language, manners, customs and habits of the natives under their authority, and I think that advantage would be very much lost if a Madras or Bengal officer were liable to be sent from one Presidency to the other. Then I think, in amalgamating the armies, there are other very grave considerations which ought not to be overlooked; at present you have the advantage of emulation between the different armies; for instance, the Madras or Bombay army will not object to serve beyond the seas; but the Bengal army, with the exception of seven regiments, I believe, refuse to serve beyond the seas; and there might be possibly greater danger than now exists under certain circumstances from absolute identity in interest and feeling of an army of 250,000 men.

2111. If it be expedient to preserve the present constitution of the subordinate governments, with separate councils, armies, and civil services, would it not be very beneficial if the governors were always taken from the Company's services instead of being taken from among men inexperienced in Indian affairs?—I think it would not be advisable to confine the selection of persons for those offices to the Company's servants exclusively. I can conceive cases in which it would be desirable to appoint persons wholly unconnected with India; but certainly, under ordinary circumstances, when a Company's officer combines with local experience the other requisite qualifications, I think that his claim should receive every consideration.

2112. What modifications would you recommend in the provisions of the Act of 1833, which affect the subordinate Governments?—I think it would be well to make a formal distinction between the legislative and administrative Councils, which distinction has virtually been made in the Council of India by the Act of 1833, because as it is at present constituted, the fourth ordinary member of Council only sits in the Council when legislative subjects come under discussion. I think that if this distinction were made, the executive or administrative Council of each Presidency should be invested with the entire functions of administration, subject only to the control of the Governor-general. I think that this would not interfere, but rather strengthen that unity of control which, I admit, ought to be maintained in India, but it would relieve the subordinate Presidencies from what they feel to be a real grievance; which is, that matured plans, which have been checked by the means which they alone possess, should be referred in the last resort to a Council, in three years out of four, consisting of three Bengal servants who are wholly unacquainted with the local circumstances of the other Presidencies, and who have abundant business of their own to attend to, without interfering in what I think

think they cannot be such competent judges of as the Governors in Council of the subordinate Presidencies.

2113. Do you think that if the power of legislating for all India continued to be vested in the Supreme Government, it would be expedient to have members of the Legislative Council from the subordinate presidencies?—I think it might be expedient, that the Governor-general should have the power for particular purposes, of sending to the subordinate presidencies for members of Council, to assist at particular deliberations when legislative acts affecting the interests of those presidencies came under discussion; but generally speaking, I should prefer making a reference upon all those points to the subordinate Governments and receiving their collective opinions.

2114. Would it be sufficient to refer proposed legislative enactments affecting the habits and customs of the natives, their religion, rights of property, &c., in different parts of India, to the Governments of the respective presidencies, or might it not be advisable to consult some of those who have the most immediate interest in such enactments?—I have considered that subject, and I have thought that it might be advisable to have at each presidency a sort of consultative council of natives, whose opinions might be asked upon such points; but then I think it is a change which requires to be introduced with very great caution. I would not make it necessary to refer any subject to them, but I would merely have them give an opinion upon such subjects as the Governor might think proper to refer to them for advice; and in that way it might be occasionally made use of.

2115. Do you attribute the superiority which is stated to exist in the North-western Provinces to the different mode of government which exists there from that which is adopted in the other presidencies?—No, I should not attribute it wholly to that cause; I think the people in the North-western Provinces are generally a more energetic race than the Bengalese or the people in the south of India. The assessment is much lighter and more equal in the North-western Provinces, especially since Mr. Bird's settlement of the revenue; and they have much more the management of their own affairs, as the settlement is made with the village communities, and not with zemindars or with individual ryots, which leads in the one instance to a great amount of oppression and exaction on the part of the zemindars, and in the other to very minute interference in all the details of the land on the part of the Government officers who collect; then again the expenditure on public works has been much more considerable in the North-western Provinces than in any other part of India; also I should mention that the Lieutenant-governor of the North-western Provinces is in the habit of travelling about the country under his charge, and I have no doubt that great benefit is derived from those tours of inspection. Perhaps I may be allowed to state that in Mr. Campbell's book I find that the expenditure upon public works, exclusive of repairs, amounted in the year 1849-50 to $7\frac{3}{4}$ per cent. upon the net revenue in the North-western Provinces, independently of the local funds applicable to that purpose, which, if I am not mistaken, amounted to one per cent. upon the gross collections. In Madras I find in the same book that the expenditure for this purpose in the same year was only one-half per cent.

2116. Can you state to the Committee what the proportion between the revenue and the expenditure of the Presidency of Madras in your time was, and whether the expenditure exceeded the revenue or not?—The revenue when I first went to Madras was rather below the expenditure, but, from having a series of favourable years, we were able before I left Madras to equalise them; and, indeed, we had a small surplus, which I am happy to see has since gradually increased.

2117. What effect has been given in Madras to that provision of the Act of 1833 which throws open all employments to the natives of India without distinction of colour or religion?—In Madras much less effect has been given to that provision than in Bengal. But previously to the Act of 1833, owing to the ryot war mode of settlement in Madras, there was a large number of natives employed in the revenue department upon superior salaries, and, I believe, exercising rather a higher class of duties than was the case in Bengal in that department; but in the judicial department they had a much larger number of Moonsiffs and Sudder Ameens in Bengal than we had in Madras. But since I left Madras, the judicial establishment there has been assimilated to that in Bengal; and therefore I apprehend that there are a greater number of natives employed now in that branch of the service.

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2118. Do you think it would be advisable to hasten or to extend the immediate operation of that provision?—I think it should be gradually extended; I should take every opportunity of extending it, as I found that the natives were fit for the higher offices.

2119. Would it, in your opinion, be advisable to appoint the natives of India to the covenanted civil service?—No, I think not. At present there is no jealousy towards the natives by the civil service, nor is there any jealousy felt towards the Europeans in the civil service by the natives; but I think the appointment of natives to the civil service might have the effect of producing those feelings; besides, I think it would defeat the object of those who proposed their appointment. I believe that a native is eligible, under the Act of 1833, to any appointment in India; if they were appointed to the civil service, it might give rise to the idea that only those natives who were in the civil service were eligible to higher appointments. I would prefer taking any native whom I found qualified, and placing him in a higher appointment, without his being necessarily in the civil service. I think it is quite right to restrict the appointment of Europeans to the higher offices to the civil service, because it secures certain qualifications, which might be disregarded if they might be taken indiscriminately; but with the natives I think it would rather circumscribe the selection of fit persons, and I should therefore object to it.

2120. Do you think that it would be desirable that some of the higher classes of natives should be induced to send their sons to this country for their education, and would not that object be promoted by giving writerships to natives who had qualified themselves for such appointments?—I should certainly think that that is the very strongest argument in favour of giving writerships to natives, for it is very desirable to encourage the higher class of natives to educate their children; but I believe this will be effected more easily in India, for it is quite contrary to native feeling and prejudice to send their children to this country for education, and I believe that very few natives would do so. It appears to me that it would be unwise to give those few such an immense advantage over the remainder of their countrymen; I would rather endeavour to afford them the best means of education in their own country.

2121. Will your Lordship state to the Committee your opinion as to the qualifications of the civil servants, and whether you think them efficient as a body for the duties they are called upon to perform?—I think as a body they are eminently qualified for the situations they fill; of course, there may be some who are not so well qualified as others; but that must be the case in all services. I think on the whole they are very efficient.

2122. What is the mode of promotion of the civil servants in Madras; is it by seniority?—Not entirely, seniority appears to be more the rule in Bengal than in Madras; I am not able to speak to Bombay.

2123. In the case of a civil servant performing his duty in a meritorious manner, has the Governor in Council in Madras the power of increasing his salary, or is the mode of promotion by transfer to some other district or employment?—There was a considerable difference in that respect between Bengal and Madras; in Bengal they move from the revenue branch to the judicial branch of the service for promotion; formerly, and, I believe still, at Madras this was not the case; usually a civil servant was sent first to the revenue department as an assistant to the collector, when he acquired some little acquaintance with the mode of doing business in the country; then he either continued in the revenue department, or was appointed to the judicial branch of the service, and in that he generally continued. In the judicial branch I do not think it is objectionable to move them from one court to another, but in the revenue department we endeavoured as as much as possible to keep a man in the same district in which he had served his apprenticeship, if I may so speak; and we had an excellent rule, by which the salary of a collector after long service in one district might be increased without removing him to another district; that, I believe, has been since abolished.

2124. Can you give any opinion as to the present system of leaves of absence, and their operation upon the civil service; do you consider that the leaves of absence are for too long a period or not?—I think that the furlough for three years is very long, and that it must, in some degree, interrupt a man's train of thought, and I think that now that the communication with England has been so much accelerated the period of furlough might be curtailed.

2125. Should you see any objection to changing the system which at present,

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by law, exists, of limiting absence for illness to places within the charter of the East India Company?—Certainly not; I think that it would be very advisable to allow a man, when he is sick, to come home, where he can have the best advice, and probably would recover in less time than by sending him to a foreign country.

2126. Sir *James Graham.*] Did I understand your Lordship to say, that the languages and habits of the inhabitants of the Madras Presidency and the Bombay Presidency are quite distinct as compared with each other, as well as those of Bengal?—They are as distinct as any countries in Europe; a man may speak Bengalee fluently and yet not be able make himself understood, I apprehend, in the Tamil country, or the Mahratta country.

2127. Then decisions taken at Calcutta by Bengalese servants, with reference to matters affecting the feelings of the inhabitants of the Bombay or Madras Presidencies, are taken in ignorance both of the manners and feelings of the people of those two Presidencies?—I should say they were, unquestionably.

2128. Does that consideration operate with you in your decision, that you think it would be wise to maintain separate Councils at Madras and Bombay?—No doubt it is a very strong reason.

2129. In your opinion, is the decision of those two subordinate Presidencies too much over-ruled by the decisions come to in Bengal?—I cannot say that in matters affecting the customs and habits of the people I have ever known any decision over-ruled at Calcutta. My complaint rather addresses itself to the check upon improvement of every kind, which is exercised at present by the Supreme Government.

2130. Then, practically speaking, your objection is limited to the control of expenditure?— It applies chiefly to that.

2131. Would a relaxation on that point meet all the changes which you would think desirable?—I think you should avoid doing anything which lowers the subordinate Governments in public estimation; and a great amount of interference with them, on the part of the Supreme Government, certainly has that effect.

2132. Under the regulation of 1833, no expenditure, however minute, can be incurred by either of those subordinate Governments, without reference to the Supreme Government?—Yes; but that was found so inconvenient that now I believe they may spend as much as 500 *l.* without referring it to the Supreme Government. I am not quite sure of the sum.

2133. Has that relaxation which has taken place since 1833 the sanction of the Court of Directors or of the Supreme Government of India?—I apprehend it was sanctioned by the Court of Directors. But the effect of referring everything to Calcutta above that mark, is to make the subordinate Governments pass on, without sufficient scrutiny, things which they feel almost certain will be disallowed. They say, "Very well, send it on to Calcutta; it is sure not to be passed there;" and I think that defeats the object, which was to ensure, I imagine, a more strict supervision in matters of expense.

2134. When so passed on, is expenditure sometimes incurred which, if left to the subordinate Government, would not be sanctioned?—It is very seldom that the Supreme Government sanction anything, but I apprehend that sometimes that may happen.

2135. You compared the stinted outlay in Madras with the more liberal outlay in the North-western Provinces; do you think that that stinted outlay in Madras has been inconsistent with the good government of Madras?—I have no doubt that the country would have improved much more under a more liberal expenditure on works of irrigation and roads.

2136. Have you visited the North-western Provinces?—I have.

2137. Comparing the outlay in the North-western Provinces with that which you yourself directed at Madras, do you see, as the reason for the greater prosperity of the North-western Provinces than of Madras, the greater amount of expenditure in the one case than in the other?—I should not like to attribute the greater prosperity of the North-western Provinces to that reason alone, there are many reasons for it; but I have no doubt that it has conduced very much to that prosperity.

2138. Has the expenditure, which you and your Council recommend at Madras, as in your opinion necessary for the good government of the province, been rejected in frequent instances by the Supreme Government of India?—Very frequently; and occasionally recommendations have not been so forwarded, from the certainty that they would be rejected. I think, on the one hand, it sometimes

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makes the subordinate governments send on applications for expenditure without due consideration; and, on the other hand, it sometimes prevents their sending on recommendations of which they approve, from a conviction that they will not be sanctioned.

2139. The effect of the more economical government of the Presidency was, during the period you were Governor, to convert a deficiency into a small surplus?—That I am afraid was not the effect of anything which depended upon the Government of Madras or the Supreme Government. It arose solely from good seasons; while I was in India we had a succession of very good seasons, and owing to those the deficiency was converted into a surplus.

2140. It was from natural causes, and not from any variation in the system of government, that that surplus arose?—I think so.

2141. Mr. *V. Smith.*] With regard to the recommendations that were not forwarded from the certainty that they would be rejected, were those recommendations, which you yourself thought advisable, merely recommendations, or that were sent up from the country to the seat of Government?—I should never have declined to forward a recommendation from any consideration of that sort; but I have no doubt that it operates in checking the energy and zeal of the subordinates. An engineer or a collector, who has got something to suggest, says, "I will not give myself the trouble to send this on, because I know it will not be sanctioned;" therefore I think it damps the energy and zeal of the whole service.

2142. Would you go so far as to say that he would not even submit it to the Government of the subordinate Presidency, and that that would go all down the service?—I think so; he says, "What is the use of taking the trouble of making out a plan and estimate, when I know it will not be sanctioned?"

2143. Upon what principle would he know that?—Because he sees that nothing, or very little, is sanctioned by the Supreme Government.

2144. Do you mean that there was a general opposition on the part of the Supreme Government to measures proposed by the subordinate Presidencies?—I think there was a general disposition to refuse sanction to measures proposed which involved an outlay of money.

2145. Was that merely in the instance of any particular governor, or was it generally the case?—I think the per centage in the Madras Presidency expended upon public works, which was one-half per cent. upon the net revenue, while it was $7\frac{3}{4}$ per cent. in the North-western Provinces, sufficiently shows that there was an indisposition on the part of the Supreme Government to sanction expenditure upon works or improvements in the minor Presidencies.

2146. Does any unnecessary delay take place, in your opinion, at Calcutta, in the transaction of the business connected with the Presidency of Madras?—I do not mean to accuse the Supreme Government of delay when the subjects come before them; but there is necessarily a certain amount of delay in sending every paper for sanction and confirmation to a great distance. Calcutta is 1,100 miles from Madras; there is no quick means of communication; there are several wide rivers, which are not bridged to be crossed; there is no carriage road; it takes about 12 days to get there, and 12 days to come back, making 24 days.

2147. Independently of the time necessarily occupied in the transit, do you think that there was unnecessary delay?—I do not think that there was unnecessary delay.

2148. Lord *J. Russell.*] Where would you propose to vest the power; would you propose to vest it in the Councils of the Presidencies?—I think the whole administrative power ought to be left with the Council of each of the subordinate Presidencies, reserving the power of legislation to the Legislative Council of India, and leaving the general control in the hands of the Governor-general.

2149. Sir *J. Graham.*] You would recommend that all questions of expenditure should not be referred to the Supreme Government of India, but should be referred direct to the Court of Directors?—Yes, I should certainly prefer that; we always found the Court of Directors very much more liberal than the Supreme Government.

2150. At the Court of Directors there will be always some directors locally conversant with the manners and customs and wants of the two subordinate Presidencies of Bombay and Madras?—There were some Madras officers in the Court of Directors while I was in India; there was Mr. Cotton, who had been a Madras collector, and Sir James Lushington who was a Madras officer.

2151. There

2151. There will generally be found in the Court of Directors some one or more directors who have been in the Bombay or Madras service?—I should imagine so.

2152. Whereas in the Supreme Council of Bengal, rarely, if ever, is there a servant of either of the subordinate Presidencies?—There never has been any civil servant yet of the subordinate Presidencies in the Supreme Council; and even if there was, I do not think it would do much for the subordinate Presidency, because he would be in a minority of the Council, and the secretariat would belong to a different Presidency.

2153. Judging from Madras, with the details of which Presidency you are most conversant, you would say that an outlay really profitable and necessary for the good government of that Presidency, has been checked by the control of the Supreme Government of India?—Yes, I think it has.

2154. Have you reason to think that that outlay, if referred to the Court of Directors, would not have been so checked?—I remember that the great works of the Cavery Anecut were sanctioned, when I was at Madras, by the Court of Directors; I do not recollect whether they were sent to Bengal at all, but I feel convinced that if they had been they would not have been sanctioned by them; I should explain that an anecut is a dam across a river.

2155. What is the extent of the works to which you refer?—It is a dam across the north branch of the river Cavery, and it is intended to throw the waters of that branch into other branches of the river, and by means of that to distribute the water, through smaller channels, all over the province of Tanjore.

2156. For the purpose of irrigation?—Yes.

2157. Is that a work of immense value to the natives?—Yes, of immense value. The province of Tanjore pays nearly half a million revenue yearly, entirely owing to artificial irrigation.

2158. Was that question submitted to the Council in Bengal?—I am not able to state that, but I should think not; for we had rather a habit of sending home recommendations which we were anxious should succeed.

2159. You found the Home Government more disposed to sanction an outlay which you and the local authorities thought necessary, than the Bengalese authorities were?—Yes; that was our impression.

2160. You were asked a question as to the distinction between covenanted and uncovenanted servants, with reference to the larger employment of natives in the civil service; and you said there was an advantage, you thought, in maintaining the distinction between the covenanted and uncovenanted servants, did you not?—No, I do not recollect that I said that; I do not think it would be an advantage to put the natives into the covenanted civil service, because I think it would provoke a jealousy between the natives and the civil servants, which does not now exist; and I think it would also circumscribe the field which, I believe, is now open for the employment of natives in the higher branches of the service. I believe now a native may be legally made a collector or a judge; but if you began appointing them to the civil service, then only those natives who were in the civil service would be supposed to be eligible for those important offices.

2161. If it be desirable at present to limit the appointment of natives to offices of the highest grade, is there any mode less offensive, or of more practical bearing to effect the object, than maintaining the distinction which now exists between the covenanted and uncovenanted service?—I think not.

2162. Upon that ground you think it desirable to maintain the distinction which at present exists between the covenanted and uncovenanted service?—If it is an object to exclude natives by law from the highest grade of office, such as member of Council, I cannot conceive a less invidious way of effecting this object.

2163. You mentioned that you thought it desirable that the governors of their respective provinces should make tours?—Yes, I think so.

2164. Was your attention ever called to the question of law, whether, as Governor during your absence from the seat of Government and your absence from your Council, you could exercise the functions of Governor?—I am very much obliged to you for putting the question, for I intended to refer to that when the Chairman asked me what alteration I thought ought to be made in the law with respect to the subordinate Presidencies; I think some provision ought to be made, giving the Governors of the subordinate Presidencies power while absent from the Council in making tours of inspection through the country.

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2165. By law can they exercise their functions of Governors now, when apart from their Councils and absent from the seat of Government?—That is a very doubtful point, I believe; I am not aware whether there is any law upon the subject; the Governors always have exercised that power. I recollect a letter of Lord Wellesley's to Mr. Duncan, who was then Governor of Bombay, in which he strongly expresses his opinion that they can legally exercise those powers. It is dated 16th April 1800, and is to be found in the second volume of his despatches.

2166. At present you say it is doubtful whether the Governors, when absent from their Councils and from the seat of Government, can exercise all their powers legally?—I remember that the Court of Directors expressed that opinion in a despatch that was written to Madras while I was there, and in my reply to that despatch I referred to Lord Wellesley's opinion.

2167. Was it expressed authoritatively by the Court of Directors that that was the law, they having taken advice here?—I believe at the time they wrote the despatch they had not taken advice.

2168. If it be doubtful in your opinion, in what way would it be desirable to remove the doubt; by increasing the facilities of absence or restricting them?—I consider that the Governor should be encouraged and should be compelled to visit every part of the territories under his Government.

2169. You speak of visiting; do your observations apply equally to long absences, and to residence at a distance from the seat of Government?—No, those are liable to great objection; but I think that it ought to be imperative upon every Governor to make a tour of inspection, such as the Lieutenant-governor of the North-western Provinces performs every year.

2170. Is not the temptation strong to leave the seat of Government which is at the sea side, and subject to extreme heat, and retire from that to the hills, which are more salubrious and much more agreeable?—No doubt the temptation is strong.

2171. Is it not necessary to impose some restraint upon that strong temptation?—I think it would be sufficient to order the Governor not to proceed to any hill station, except it was required for his health.

2172. Would it not be necessary by law, to lay down a general rule, if it were thought politic to do so, that the Governor shall only be able to exercise his functions at the seat of Government with his Council, leaving exceptions to special cases, rather than to leave the law open and give power to the Governor, wherever he may be, to exercise all his functions apart from the Council?—I think when the Governor leaves the Presidency some proclamation should be made by the Council, saying that the Governor was proceeding to such a part of the country, and while absent he would carry with him certain powers, defining those powers, leaving other matters of detail to be transacted by the Council in his absence.

2173. If there were no general law regulating this matter, the Councils in the different Presidencies might come to different decisions?—A general rule should be laid down in the Act of Parliament, and then I would leave the Councils to make proclamations.

2174. As the law stands at present, the power of the Governor, when absent from his Council, is doubtful?—Yes, it is.

2175. At all events that would not appear to you to be a satisfactory state of affairs?—Certainly not; practically he carries the whole power with him wherever he goes, but I do not think it desirable to have it at all doubtful.

2176. Mr. *Hume*.] Do you think it desirable that the Governor should carry with him the whole power of the Council, when he is absent from the seat of Government and from the Council?—I do not think his absence from the Council ought to make it necessary for him to exercise this power frequently apart from the Council. Upon all subjects of magnitude, he ought always to refer to his Council; but I do not think it proper that the Governor, if he leaves the Presidency, should be stripped of all power, and sent up the country as a mere private individual.

2177. You have stated, in the early part of your evidence, that you consider the Council in Madras ought to be maintained with the Governor?—Yes.

2178. Does not the necessity for that arise from the advice which the Governor would obtain from the experienced councillors appointed to aid him?—Certainly.

2179. Then

2179. Then upon what ground would you give to the Governor, when going away, power to act without those councillors, seeing that you admit the necessity of a Council?—I think all subjects of importance should, even during his absence, be transacted by him in communication with the Council.

2180. Would not that be reporting to the Council his opinion more than acting upon his own authority?—No; a great part of the business, even when the Governor is at the Presidency, is carried on in writing, by sending papers in circulation. I think, in the same way, a great part of the business might be carried on by correspondence, while he was absent from the seat of Government.

2181. Could you, from your experience, point out any limits which by law might be laid down in order to render the practice uniform at Madras, Bombay, and Bengal?—I think that limits might be assigned, but I am not prepared to go into the details.

2182. Whilst you were at Madras, did your Government recommend any new works in the way of improving the communications between place and place?—Certainly; we recommended, for example, the construction of a road from Madras to Bellary, which would have rendered one of our greatest cotton districts accessible to the coast, and would have been the beginning of the high road to Bombay; the expense at which this road was to be made was not at all considerable, but sanction of it was refused by the Supreme Government.

2183. Were the works which the Madras Government wished to carry out, generally works of irrigation?—Generally works of irrigation or roads.

2184. Are there any modes by which you could improve the finances and prosperity of India better than in irrigation and roads?—I think certainly not.

2185. Are you aware of the returns in revenue from the outlay upon any of those great irrigating processes in Tanjore?—I cannot speak of the returns for Tanjore, except from returns which I have seen since I have been on the Committee of the other House, because those works were not completed before I left India; but I observe that the revenue in Tanjore has been maintaining itself, and has rather a tendency to rise. The works in Tanjore were undertaken in consequence of the gradual accumulation of sand and mud in the already existing channels of irrigation, which threatened to choke them up and render them useless; they were intended rather as a means of maintaining the fertility of the province, and consequently its revenue, than of increasing it.

2186. Have you any doubt that a judicious outlay of money on roads and works of irrigation, is the best means that could be adopted for improving the finances of India, and the condition of the people?—That is my opinion.

2187. Do you believe that the opinion of those belonging to the presidencies, is more to be depended upon in these matters than the experience of councillors at Bengal?—Certainly, I think so.

2188. Looking to the expeditious communication with England now, you have stated that the expense of any such measures of improvement, you would rather refer to the Court of Directors than to the Supreme Government of India?—I think the measures would be more sure of receiving impartial consideration if referred the Court of Directors, and therefore I should prefer that.

2189. If the measures for improvements which have been proposed in Madras had been sanctioned, is it your opinion that they would have repaid the outlay contemplated to be incurred?—Certainly; I should never have thought of proposing any work which I did not believe would repay its outlay.

2190. Then the control which has arisen under the late Act of Parliament, given to the Bengal Government, has rather impeded the improvement of Madras than promoted it?—I think so.

2191. Both as regards the state of the population and the revenue that might arise from those improvements?—Yes, I think it must have had that effect.

2192. You have spoken of responsibility; you consider that taking away from the subordinate Government the power of expending money in useful works of that kind has taken away the responsibility which the Governor and Council at Madras would otherwise have had?—I think it divides and lessens the responsibility. If the Government of the Presidency felt that there was no appeal from its decision, and that it was to decide the thing finally, I conceive that it might be more careful than it is now, in sending on recommendations.

2193. Do we understand you to be of opinion that all works for improvements, and questions of great importance, locally at Madras, as well as at Bombay, should be referred direct to the Court of Directors instead of being referred to the

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Governor-general at Bengal?—I should prefer that system, leaving, however, great latitude to the local Governments.

2194. You have stated that you thought a modification ought to take place in the administration; you have drawn a distinction between the legislative and administrative powers; will you explain a little more fully what you mean by that as regards Madras?—The Council at Madras is simply an administrative council; it has no legislative functions at all; if it is thought advisable, which I rather conceive it is, that all legislation should proceed from the same source, I think that that object might be obtained by separating the legislative Council from the executive Council in Bengal, and allowing the legislative Council to legislate for the whole of India, but restricting the administrative powers to Bengal.

2195. Do you not think that local knowledge could be acquired either at Madras or at Bombay, which would enable legislative officers there to do justice to the duty imposed upon them; and it were all done at Bengal, might not they act against that local experience?—I think that all enactments relating to Madras or Bombay ought to be sent to the Governors in Council of those Presidencies for their opinion and report, and I conceive that, except in very rare cases, their opinion would be acted upon.

2196. Would you draw the distinction of referring matters of considerable importance to the Court of Directors, and not referring matters of legislative enactment to the Court?—I draw a distinction between legislative Acts and administrative Acts; I think that it may be proper to have one legislation for the whole of India, and that that legislation should proceed from the general Government; but I think the details of administration had better be left to the subordinate Governments.

2197. From your experience, could you point out the limit at which the expenditure of the Presidencies should be fixed?—I would limit the whole sum to be expended by the Presidency in the year, and allow them to lay out that sum in the best way they could; I think that would be the more economical way.

2198. Sir *J. Graham.*] Would it be possible to frame estimates for the succeeding year in each Presidency of the expenditure which it was thought by the Government necessary to incur, and submit those estimates to the Court of Directors?—I think there would be no objection to that, and I think that would be a very good system.

2199. That would bring the matter under the consideration not only of the Court of Directors, but of the President of the Board of Control, who has a general supervision?—Of course.

2200. Would not that tend to the good government of India as a whole, and without a distinction of parts?—I think it would.

2201. Viscount *Mahon.*] From the observations your Lordship has made of the civil service of Madras, has any improvement struck you that might be adopted in the system of education at Haileybury College?—I believe, but I speak more from what I have heard from others than from any opportunity I have had of observing the matter myself, that it is generally thought that more attention is given by the young men at Haileybury to Sanscrit, and to the acquirement of some of the native languages, than is expedient or necessary, and that it would be better if a greater part of their attention at Haileybury were given to subjects which they would not have such opportunities in India of studying.

2202. You think the native languages might be acquired to some extent more profitably in India itself, than in England?—I apprehend so.

2203. Do you apprehend that inconvenience would arise from an imperfect knowledge, or a want of knowledge of the native languages on the part of the civil servants on first arriving in India?—They come out with a very slight knowledge indeed of any native languages, and they study them after they get out to India. Sanscrit may be the key to most of the languages of the Peninsula, but it is not spoken, and practically it is of no great use.

2204. Are you of opinion that there might be advantageously a change in the age at which young men go out to India?—No, I am not aware that there would be any advantage.

2205. Mr. *Hardinge.*] Your Lordship travelled through nearly every native state in India?—I have travelled over a large part of India.

2206. Is it your opinion that the condition of the natives under native rule is inferior or superior to that of the natives under British protection, without entering

ing into the merits or demerits of the revenue systems of the different governments?—I think generally the state of our provinces is superior to that of the neighbouring native states; I would not say altogether so, without qualification; there are some native states which I have observed in which the state of the country is very satisfactory.

2207. Burtpore, I suppose, is one of those?—Burtpore is the one that I was thinking of, Mysore is another; but that is under British superintendence.

2208. Would you recommend that officers on their furlough to Europe should draw the same allowances as they now draw when they go to the Cape?—I think no encouragement should be given to officers to take furlough if they do not require it for their health; but when they are obliged to leave their duties on account of their health, I would make no distinction between one country and another. I would let them go wherever they liked.

2209. Do you think such a change would increase or tend to remedy the evil which now exists of continual changes by the system of acting appointments?—I do not think it could make any difference, because I would not allow a man to go to England unless he went on sick certificate; and I would be very strict in taking care that those certificates were only granted in cases of actual sickness.

2210. Would you recommend any change with regard to the Commander-in-chief voting in the Council on all questions; would you confine his vote to merely military questions?—I would leave it as it is.

2211. Do you see any objection to sending those proposed estimates of the Presidencies which would be drawn up yearly, in the first instance, to the Governor-general in Council, or would you prefer their being sent direct to the Court of Directors?—I should have no objection to sending them in the first instance to the Governor-general, provided the decision upon them was arrived at in England. I think they would be more likely to receive an impartial consideration in England than in Calcutta; the Governor-general might report upon them to the Court. I think that check might be imposed, if it is thought expedient.

2212. Do not you think that the Governor-general should have some such check, if your proposition were to be carried out?—I would place the whole undivided administrative responsibility upon the Governor in Council of each separate Presidency, and therefore I do not see that there is any use in sending the estimates to the Governor-general.

2213. With regard to the delay in the communication between the subordinate Presidencies and Calcutta, might not eventually railways and communication by electric telegraph in some way affect the arguments against such delays?—I think it will be a long time before there is a railroad from Madras to Calcutta, and still longer before there is one to Simlah.

2214. Mr. *Mangles*.] Did I rightly understand your Lordship to say that you would limit furloughs to England to officers who were sick?—They are limited now; a man may come home on his furlough of three years to England at present. I would shorten the period of that furlough, but I would not prevent a man coming home on his regular furlough.

2215. Do not you think it very desirable that officers, civil and military, should have opportunities of coming to England to renew their associations here, after a fair time spent in India?—I think it is very desirable, within certain limits.

2216. You spoke of some native states as being exceptions to the general rule of inferiority to our own possessions; are not those native states which are the exceptions very small states which are managed more like estates than dominions?—Generally in the smaller states the revenues are collected and the administration conducted by the immediate officers of the Government; in the larger ones whole provinces are farmed to renters, who sublet smaller districts to inferior renters. This is the system in the Nizam's country, and I believe in Oude. I know it was the system in a part of the Punjaub territory which I visited. I think this difference of system explains the more successful management of the smaller states; Burtpore for example.

2217. Mr. *Baillie*.] Was not Sattara very well governed?—I was never there; I have understood that it was. Mysore is exceeding prosperous; but it is General Cubbon who has made it what it is.

2218. Mr. *Mangles*.] Is it not in fact General Cubbon, and others under him, who have charge of the district?—Yes; it was placed under their orders, in consequence of the extremely bad management of the Rajah's Government.

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2219. Then in fact they have only recovered it?—It was originally placed by Sir Barry Close under the Dewan Poorniah, and it was extremely well governed; but after his death the state of the country became so bad, that the payment of the subsidy was in jeopardy, and Lord William Bentinck placed it under the administration of a commission, composed of English officers.

2220. You spoke of its being very desirable in matters of legislation affecting Bombay or Madras, that referenee should be made to the subordinate Governments, with regard to such legislation?—Yes.

2221. Is it not so now practically?—Yes.

2222. Is it not the case that Acts relating to Madras or Bombay are drafted very frequently at Madras and Bombay, and, in fact, merely sent to Calcutta to be passed?—It is.

2223. Mr. *Baillie.*] Do you attribute the disinclination of the Supreme Government to sanction the expenditure in the Presidencies of Madras and Bombay to any jealousy on the part of the Supreme Government, or to their ignorance of the wants and requirements of those countries?—I think there is a natural desire to improve that part of the country with which you are best acquainted; there is a distrust, perhaps, on the part of the Bengal civilians who compose the Supreme Council, to receive the applications of subordinate Governments for expenditure; I think they naturally prefer attending to the wants of their own Presidency, before they attend to the wants of the others. I do not impute any unworthy motives to the Supreme Council, but only those natural motives which make all of us prefer improving things which come under our own cognizance, or which are more familiar to us.

2224. Mr. *Mangles.*] Your Lordship spoke of the Bengal regiments in general refusing to serve abroad on the Continent; is it not the case that those regiments were enlisted only for home service?—I believe it is; I meant that there is an advantage in having a feeling of emulation between the different services; the Madras sepoy feels proud that his regiment is willing to serve everywhere; it is a pity to lose that advantage.

Veneris, 18° *die Junii*, 1852.

MEMBERS PRESENT.

M. Baring.	Mr. Herries.
Viscount Jocelyn.	Lord John Russell.
Mr. Hume.	Sir James Graham.
Mr. Plowden.	Viscount Mahon.
Sir Edward Colebrooke.	Sir James Hogg.
Mr. Vernon Smith.	Mr. Baillie.
Mr. Spooner.	Mr. Hildyard.
Mr. Hardinge.	Mr. Cobden.
Mr. Mangles.	

THOMAS BARING, Esq., IN THE CHAIR.

The Right Honourable the Earl of *Ellenborough*, attending by Permission of the House of Peers, Examined.

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2225. *Chairman.*] WILL you state the periods during which you filled the offices of President of the Board of Control and Governor-general of India?—I was appointed President of the Board of Control in September 1828, and I remained in office till the Duke of Wellington's Government was dissolved in November 1830. I was then again appointed towards the end of December 1834, and I remained in office until, I think, about the 7th of April 1835, when Sir Robert Peel's Government

Government went out. I was again appointed on the formation of Sir Robert Peel's Government in 1841; and I think that must have been towards the end of September 1841. I was not there more than two or three weeks when I was appointed Governor-general. I arrived in India on the 28th of February 1842, and my recall was made known there, I think, on the 15th of June 1844.

2226. The Committee have had previous evidence as to the changes which were introduced by the law of 1833 into the constitution of the Government of India; and the Committee are anxious to have your Lordship's opinion, from your knowledge and experience, as to the effects of those changes. The first change that has been referred to was the termination put to the East India Company acting as a trading company; their functions henceforth were restricted to the Government of India. Do you consider that that change has been of advantage for the Government of India?—I should apprehend that there can be no doubt about it.

2227. And likewise the change made under the Act of 1833, by which all territorial claims upon India were relinquished, and the East India Company were declared to hold the property of India as trustees for the Crown?—For the service of the Government of India. Under that Act they are not allowed to expend any money, except for the service of the Government of India as trustees for the Crown.

2228. Your opinion is favourable to that change?—It is.

2229. From the removal of the powers of the Company to trade, the powers of the Board of Control were increased, it being declared that all the powers of the Court of Directors should be subject to control on the part of the Board, except in particular cases, with respect to the appointment of servants and officers at home, which are mentioned in that Act. Does your Lordship think that that has acted beneficially with regard to the Government of India?—My official experience of the working of the Act of 1833 was of course not very extensive, as I was only in office about seven months under that Act, and it is now 17 years since I was President of the Board of Control, for I regard as nothing the two or three weeks in the year 1841; but I am not aware of any new power being given by that Act to the Board of Control.

2230. Before 1833 there was a considerable portion of the transactions of the Company, viz. those relating to trade, which were not submitted to the Board, but subsequently to the Act of 1833 coming into operation, all the transactions of the Court of Directors were submitted to the Board of Control?—All that it was competent for the Court to perform, as connected with the territory which they had, had already been under the Board of Control. I am not aware that the power of the Board was in any respect extended by the Act of 1833. It is said, and I have heard it said in evidence, that by that Act the Board acquired a new power over the Home Treasury. I have in vain looked for any clause which gives that power. I see some alteration in the 25th clause, but not a sufficient alteration, I think, to give that power; and I cannot but think that if it had been intended by Parliament to give to the Board of Control power over the Home Treasury to the same extent as the power which they possessed with respect to the Treasury of India, it would have been done by some very specific and clear enactment, and the mode would have been pointed out in which that power was to be exercised; but there is no such provision in the Act of Parliament, and I confess I do not know in what manner, as President of the Board of Control, I should proceed to exercise that power. All the provisions of the Act relate to correspondence in India, and have no reference to correspondence in England. I recollect when I was appointed to the Board of Control in the year 1841; the first question I asked was, what preparations there were making for the next campaign in China, and I found that there were in this country three steamers, one ready at Portsmouth, one building at Glasgow, and one somewhere else; but those steamers were not going to China, they were going to Bombay, with crews hired for the purpose of taking the steamers out, and with engagements for the payment of the passage money for those crews on their return home. I do not think that I had any power whatever to divert those steamers from the useless purpose to which they were destined, to the really useful purpose to which I did afterwards appropriate them in China. I must say that the Chairman, and the Deputy-chairman, Mr. Tucker and Mr. Lock, acquiesced in my wish upon the subject, and those steamers were diverted from their original purpose to the service in China; but I do not think I could have effected that alteration by any powers of the Board.

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So, again, if the Government of India wrote home to urge the necessity for the employment of steamers drawing very little water in the Indus, or now in the Irrawaddy, I do not know that the Board have any power to force the Court of Directors to contract for the building of such steamers, and to send them out. Again, if the army were deficient in clothing, as they were when I left for India, (there were no great coats), I really do not believe that the Board of Control could compel the Court to furnish great coats to the soldiers. I do not see in the Act any means of proceeding that the Board of Control could adopt to effect that purpose.

2231. Do I understand your Lordship rightly, that while the Board of Control has a power of ordering the expenditure in India, it has no power over the expenditure at home?—I do not see in what way the Board is to carry into effect that control, if it were intended in the Act that they should possess it. There could be no difficulty with respect to expenditure in India. If the Board considered that there ought to be purchased in India steamers to navigate the Ganges, the Board, by the course of proceeding pointed out by the Act of Parliament, might direct the Court to prepare a letter upon the subject; and they might alter that letter as they pleased when so prepared and sent to them, and if the Court of Directors were unwilling to send such a letter, and it was not sent in a fortnight, the Board might themselves send out a letter. But if, instead of the Court of Directors building steamers in India, they desired to build them in England, I confess I do not see how the Board are to proceed, but of course they ought to have authority in such case.

2232. Mr. *Herries.*] Have you adverted to the 109th clause in the Act, in which it is specifically directed that all powers then existing in the Court of Directors are from the date of the Act to be subjected to the Control of the Commissioners for the affairs of India?—No doubt it is said so in the Act.

2233. Under the head of "all those powers existing in the Court," I conceive power over the Home Treasury as well as the Government of India is included?—It may be, but I do not know in what way you would proceed to effect that purpose.

2234. You are aware that the power is exercised?—I am not aware of it, nor do I know how it is to be exercised, according to the ancient practice of the Board of Control. None of the powers given by the Act to the Board of Control as regards correspondence with India are given to them as regards any correspondence in England, supposing for instance, the Court of Directors to write a letter to a ship-builder in Glasgow.

2235. Under the practice as it now is, and no doubt under the authority of the law, every letter, even to a ship-builder at Glasgow, written by the Court of Directors, must be submitted to the Board of Control, and is by the Board of Control approved or disapproved?—That is very proper; but looking to the Act, I cannot see in what way the Board of Control can compel the Court to write such a letter.

2236. It originates with the Court in that case?—But if the Court should not write the letter, I do not see under the Act of Parliament how the Board could compel them to do it.

2237. With respect to the Home Treasury, all alterations of interest upon the Bond Debt must be sanctioned by the Board of Control?—That was always the case.

2238. That must originate in a letter from the Court of Directors; but all acts to be done by the Directors with respect to the Home Treasury must be done with the approbation of the Board of Control?—But what I ask is, how the Board of Control can proceed to compel the Court if it should be reluctant to do so to write a letter on any of those subjects. I do not see the way pointed out in the Act of Parliament of compelling them, where there is any difficulty made about it.

2239. I apprehend a letter from the Board of Control would produce that consequence?—I am not so sure of that. There is nothing that would practically produce that consequence but the knowledge that there was a strong Government resolved to carry the law for the service of the Government of India into execution.

2240. Mr. *V. Smith.*] Your Lordship says, that upon communicating with the Court of Directors they assented to your proposition?—Yes; Mr. Lock undertook to attend to it; indeed I believe it had been before under his superintendence

tendence; and I was exceedingly anxious upon the subject and wrote a great many letters about it; but I am sorry to say that the steamers were too late; the war was over before they arrived; but I have no reason to think that Mr. Lock was to blame.

2241. If a difficulty had been made you could not have obliged them to do it? —No.

2242. Mr. *Hume.*] We understand your Lordship to say that there are no powers under your interpretation of the Act which authorize the Board of Control to give orders for building steamers, or adopting any other proceedings in England? —As far as I can understand the Act I do not discover such a power, and the mode is not pointed out, in the same way as it is with respect to giving such instructions in India.

2243. Mr. *Herries.*] Does not the same practice exist with respect to the whole administration of the affairs of India, except in the case of political measures which originate with the Board of Control and pass through the Secret Committee; in all other cases the measures to be carried into execution originate with the Court of Directors, and are approved or otherwise by the Board of Control, in the same way as with respect to the Home Treasury, to which your Lordship has been adverting?—That no doubt is the ordinary practice; but the Board of Control have practically in their hands the whole Government of India; if they see that no letter is written upon a subject upon which they think a letter ought to be written, they direct the Court to write such a letter; or the terms may be arranged in an interview with the Chairs; I have before now written a letter for the Chairs, and it has come up in draft.

2244. Would not the same thing happen with respect to the affairs of the Home Treasury?—No, because I do not see in what way the Board can proceed to enforce its power, if it has the power.

2245. Would not the proceeding in that case be conducted upon the same principle as in the case of the general administration of the affairs of India, setting aside the Secret Committee; the Board of Control could not originate any measure relating to that administration, but it must originate with the Court of Directors themselves?—There is a most distinct provision in the Act of Parliament with reference to the administration of the Government in India: if the Board think a letter is not sent up which ought to be sent up, upon a particular subject, they may direct the Court to send up a letter upon that subject. I believe they have not the power of stating what their opinions upon the subject are, but they desire to have a letter upon the subject, and if the letter does not come up within a fortnight, they write it themselves, and send it out; and if a letter comes up, they alter it as they please.

2246. Viscount *Jocelyn.*] Is your Lordship aware of clause 25 in the Act, which is in these terms,—"That the said Court shall have and be invested with full power and authority to superintend, direct, and control all acts, operations, and concerns of the said Company, which in anywise relate to or concern the Government or revenues of the said territories, or the property hereby vested in the said Company in trust as aforesaid, and all grants of salaries, gratuities, and allowances, and all other payments and charges whatever out of or upon the said revenues and property respectively, except as hereinafter is mentioned"?—The first part of that clause is exactly the same as is to be found in all the old Acts. The addition was made in consequence of the sale of the Company's personal property, and the Board had given to them power over that property, just as they had power before over the revenues. I looked to that, but I confess that I do not see any new power in that clause; and if you look at the marginal note, you will see that the person who compiled the Act saw nothing in it giving such a power; for he says,—"The Board to control all acts concerning India and the sale of property." I apprehend that the latter part was intended to refer to that property which came under the control of the Court of Directors by that sale.

2247. *Chairman.*] The Committee is to understand it to be your Lordship's opinion that there has been an omission in the last Act with reference to the power of the Board of Control, which ought to be remedied in any future Act?—Yes, I consider it ought, and it might be done by a short clause.

2248. Sir *J. Hogg.*] Will your Lordship be good enough to look at the 30th clause, which is in these terms—"And be it enacted, that no orders, instructions, despatches, official letters, or communications whatever, relating to the said territories, or the government thereof," and so on, "shall be at any time sent or given

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by the said Court of Directors, or any Committee of the said Directors, until they shall have been submitted for the consideration of and approved by the Board." Does not the word "communications" there, in your Lordship's opinion, apply to communications with the authorities at home, as well as to depatches or communications addressed to the authorities in India?—The strongest words in that clause are, "that no orders, despatches, or communications relating to any public matters whatever, are to be sent till they are submitted to the consideration and approval of the Board." That is all very well; but I do not see that that clause points out the way in which the Board are to proceed to compel the Court to write a letter; that is the only point I advert to. Certainly the Court cannot write any letter without submitting it to the Board, but the Board cannot compel them to write a letter if they do not choose to do so.

2249. The reason I drew your Lordship's attention to those words in the 30th section, was as introductory to the question which I would ask your Lordship with reference to section 31, because if the word "communications," occurring in section 30, does apply to communications addressed to the authorities at home, it would appear to me to follow as a necessary consequence, that the word "communications," in section 31, in like manner applies to communications addressed to authorities at home, and gives the Board of Control entire authority over those communications so addressed to authorities at home, as well as over despatches addressed to the authorities in India?—If I had been at the Board of Control, and the Court had not been willing to do what I wished them to do, and this clause had been pointed out to me, I should have tried what I could have effected under it; and there can be no doubt, I think, that I should have had a reasoning answer, that it did not apply to the case, but I should have tried what I could do under it.

2250. Are you aware that the word "communications" was introduced into the Act for the very purpose of meeting the difficulty which your Lordship has pointed out, and that the word does not occur in any former Act?—I am not aware of that, but I think the words, "orders, instructions, despatches, and official letters," did not require the addition of the word "communications," and I do not think it was the intention of Parliament to introduce that word in order to meet this case, because if it had been, I cannot suppose that Parliament would not have made the thing more clear. There can be no doubt that there would have been as clear a direction as to the course of proceeding of the Board, with a view to compel the writing of a letter in England, as to compel the writing of a letter to India.

2251. In your Lordship's time, was any communication addressed by the Court of Directors to any of the authorities in England, without being submitted to the Board?—In all probability there was not; but that is not the question; the question is, whether the Board could compel the Court to write such a letter.

2252. The same terms are used in compelling the Court to submit all their communications and despatches to the President of the Board as are used in the clause which empowers the President of the Board to suggest what is to be done?—I have already said, that if I had been at the Board of Control, and that clause had been pointed out to me, I should have done what I could under it, and have made the most of it; but I very much doubt whether I should not have been met by what I have just said, viz., that if it had been the intention of Parliament it would have been expressed so clearly as not to leave any doubt whatever upon it.

2253. Mr. *Herries.*] You are of opinion that it would be advisable to make it clear?—I think it should be made so clear that it would not be possible for any human being to have a doubt upon the subject; I think that not a single shilling should be expended without the authority of the Board, and that the Board should have the power of ordering any expenditure in this country that it considered necessary.

2254. Mr. *Hume.*] Without the sanction of the Court?—The Court of Directors has, in fact, no authority; the Court would write the letter and submit it to the Board; or if the Board prepared the letter, the Court would have the power of representation, and all the ordinary formalities would be observed which are now observed, with reference to communications to India.

2255. The Board of Control has the power at present, through the Secret Committee, to send any order they please to India; do you mean that you think the Board should have the same power in relation to every act that the Court of Directors

Directors do in England as in India?—The power of the Board, with reference to despatches sent through the Secret Committee, is quite a different power from that which they have with reference to ordinary despatches. I would give to the Board with respect to matters in England, the same power which they have with respect to the ordinary despatches sent to India, and not the power which they exercise of sending despatches through the Secret Committee; at least, as at present advised, I do not think it would be necessary.

2256. Sir *J. Hogg.*] You mentioned, as to the control of the expenditure, that there was no alteration under the last Act. Are you aware that before the recent Act, the Court of Directors could grant a gratuity of 600 *l.* or an annuity of 200 *l.* to any person, without the sanction of the President of the Board of Control?—That is so small a thing that I should not have adverted to it; it does not regard the Government of India.

2257. But was it the case before that Act, that the Court might have granted a gratuity of 600 *l.* or an annuity of 200 *l.*, and that now no gratuity or annuity of any amount, however small, can be granted without the sanction of the President of the Board?—It is very proper that the Court should not be able to make any grant without the sanction of the Board.

2258. That change has taken place under the last Act?—It may be the case, but it is not a thing I should have adverted to.

2259. Mr. *Herries.*] You would still, as I understand, except from the power of the Board that which has reference to the Home establishment?—Yes. It seems to me, unless I read it incorrectly, that that clause requires alteration which has reference to estimates sent in by the Court to the Board of their general expenditure for secretaries, and clerks, and other things. I am not aware whether my interpretation of that clause be correct, but my impression is that the Board have no power of compelling the Court to send in a new estimate; if they send in an estimate to the Board, the Board may reduce it, but after the Board has once given its consent to a certain expenditure, I do not see in what way the Board is to exercise its power again; the Board may be of opinion that, considering the great reduction which has taken place in almost all salaries since the period when that Act was passed, it might be expedient, with a view to the future, to revise the salaries, and to revise the whole establishment at the India House. If that should be their opinion, I am not aware how they are to proceed. I think they must wait till the Court choose to send in a new estimate, and then they may reduce it; they clearly ought to have the power of reducing the expenditure; they ought not to have the power of saying that such a secretary should have so much, and such a clerk should have so much; but a power of controlling the general expenditure is a power which it would be quite proper that they should possess.

2260. Sir *J. Hogg.*] Practically, is not an estimate sent in annually, and submitted to the President of the Board?—I never saw such an estimate, and I know nothing about such an estimate being sent in.

2261. During the time your Lordship was President of the Board, was not the estimate alluded to in section 37 of the Act sent in every year for approbation, and passed by the President of the Board before it was, or could be acted upon by the Court?—I never had the good fortune, after the passing of the Act of 1833, to be for a year at the Board of Control. I was there for five or six months the first time, and for only two or three weeks the second time, and therefore I cannot speak to that point.

2262. Your Lordship is unable to say whether that is the usage?—I am.

2263. If such an estimate is sent in annually, would it not meet the objection which your Lordship has taken?—In practice it would, but not in law; because if there is no power in the Board of compelling it to be sent in, there is not that control over the expenditure by the Board which I think there ought to be. If the practice is to send the estimate in after the month of April, I never could have seen it.

2264. Lord *J. Russell.*] You would wish an alteration in the law to make it conform to the practice?—Yes.

2265. *Chairman.*] I have been calling your Lordship's attention to the various changes introduced by the Act of 1833; will you favour the Committee with your opinion as to the expediency or necessity of any further changes, always taking for granted that the present system of joint authority in the Government of India, between the Court of Directors and the Board of Control, is to be maintained?—I presume that question refers to the relative position of the Board of Control and

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the Court of Directors, or any body to be substituted for them; I really do not think that there is any material alteration to be made in those relations, except such as I have already mentioned, if the present system is to be maintained. No doubt, under the law, the whole Government of India, as conducted through the Board, might be arrested if the Court were to insist upon proceeding according to the course pointed out by the law, and were to abandon the system of sending the previous communications; if they were to send, as they might do, a letter (which I have seen) of 300 pages, I believe—certainly as many paragraphs, with 18,000 or 20,000 pages of documents attached to it—with a request that the Board would give their opinion within two months, the thing would be impossible; it could not be done. The only course that the Board of Control could pursue in such a case would be to send it back altogether rejected, giving as the short reason for rejecting it, that it was a matter upon which it was impossible for them to form an opinion without giving more time to it. The alteration was made from a fortnight to two months, as the time during which letters in draft are to be returned by the Board; and the only thing which has rendered that practicable under the present system has been the adoption of the arrangement, I believe, suggested by Mr. Dundas, the first Lord Melville, of having previous communications.

2266. The Committee have had explained to them the system which is adopted; can your Lordship suggest any change in that system, first as regards the communication between the Board of Control and the Court of Directors, and next as regards the communication between the Board of Control and the Secret Committee?—I am not aware of any change that it would be desirable to make. I know it has been said that the Secret Committee should have a power of remonstrance. Practically they can send a letter to the President of the Board, which is equivalent to a remonstrance. They have not the legal power of sending a remonstrance; but I can remember that on several occasions, when I was at the Board of Control, the Chairs addressed representations to the President of the Board, suggesting a reconsideration of the thing ordered, which has exactly the same effect upon the mind of the President of the Board of Control as an official remonstrance.

2267. Mr. *Hume.*] Was that letter or representation put on record in the proceedings?—I should think it would not be taken away by the President of the Board, but that it must have been left by him in the office, for the perusal of his successor.

2268. Was such a representation or letter recorded, so that at any future period it could be referred to as a record, to show what had been the proceeding at the time?—No, because it is not an official document. It is a paper that would remain in the office, I dare say, and a future President of the Board would be able to refer to it; and very likely future Chairs could refer to it. But it is not an official document that could be called for by Parliament.

2269. Is it your opinion that such a letter or representation should be recorded, so as to make it a document which might be called for at a future period?—I should rather like to consider that matter before I gave a very decided opinion. I am quite sure of this, that nothing could be more prejudicial to the public service than to have such a document recorded, and then for the Chairs to go and say that there was such a document, which any Member of the House of Commons might move for. I think that it would be quite destructive to the Government of India if there were that power.

2270. Your Lordship approves of the plan of previous consultation between the Chairs and the President of the Board?—Yes.

2271. If the object of that consultation is to know what the opinion and feeling of each party are, if they differ in their views, why should there be an objection to recording the differences of opinion which may take place?—The Chairs have nothing to do with the orders going through the Secret Committee; they are merely executive officers under the Act of Parliament, and they must send out the orders sent to them by the President. It is not upon those subjects that the President would confer with the Chairs, but upon the ordinary business that goes before the Court of Directors. Orders sent through the Secret Committee are sent upon the responsibility of the Queen's Government; they are sent open to the Secret Committee, so that the Secret Committee may become aware of the contents. I should never have refused to receive any letter which the Chairs had written, expressing a difference of opinion; and I should, I am satisfied, have

left such a letter in the office for my successor. But I am not prepared to make that a public document to be called for by Parliament.

2272. Are we to understand that in no case does the President of the Board consult the Chairs on questions in the Secret Department upon which despatches are about to be sent to India?—It is impossible for me to say what the practice is. I have no recollection of it ever having been my practice to do so; but I should observe, that in my time circumstances were not so serious and important as they have been since, and the matters were not of a very grave character that were transacted through the Secret Committee, as far as I can recollect, when I was at the Board of Control.

2273. Upon questions of great importance affecting peace and war, and the general welfare of India, is it not your opinion that the Chair and Deputy-chair should on all occasions be consulted, and should generally know what are the intentions of the President of the Board?—If the Chairman and Deputy-chairman happened to be very eminent men and practically acquainted with India, I very likely might, as President of the Board, consult them, just as I would consult any other eminent man whose opinion I thought valuable upon the subject, but not otherwise.

2274. Do not you think that the gentlemen selected to fill the offices of Chairman and Deputy-chairman of the Court are better informed of the opinions of their colleagues in the Court than any other men that you could consult, and that it would be beneficial, if the power of the Crown continues to be exercised as it now is, without any means of check and control, that it should be exercised only after previous consultation with them, with a view to obtain the best information respecting India that could be obtained from any parties?—I by no means consider that the Chairman and Deputy-chairman, merely because they have been elected to those offices by the Court, are the best persons for the President of the Board of Control to consult; the mere election by such a body as the Court of Directors does not confer knowledge or authority.

2275. Do you know any body which would be better able to give the President of the Board information than the Court of Directors, as a body, taking their experience, varied as the members of the Court are, into account?—A great deal better. I can recollect perfectly well when I had a most difficult matter to form an opinion upon; I went not to the Court, nor to any member of it, but I went to a gentleman who I knew had been a most distinguished public servant in India, Sir Richard Jenkins; and when I found that his opinion concurred with my own, it was a matter of indifference to me what opinion the Court of Directors entertained; and I always made it my practice to go to the man who happened to be most competent to form an opinion, in order to get his opinion upon all subjects upon which I wished to form my own.

2276. You are aware that Sir Richard Jenkins was in the service of the Company; are you aware that he was mostly employed at Nagpoor, and had not that opportunity of knowing the general affairs of India which persons who had been members of Council for years would have?—It was precisely upon a matter about which no man in India knew half as much as Sir Richard Jenkins that I consulted him; namely, with respect to the affairs of Nagpoor, where he had been for 20 years.

2277. How could your Lordship know that no other parties could have acquired that information which Sir Richard Jenkins had acquired?—It is quite obvious that no man could have known as much as Sir Richard Jenkins did of that country; he had been there during the greater part of his active life in India; he was a distinguished public officer, and a more eminent man has not been introduced into the Court of Directors.

2278. Did you apply to him for information respecting Nagpoor?—Yes; it was in consequence of an alteration that was made by Lord William Bentinck that I communicated with him, and my letter remains on the records as the highest authority on all matters connected with the Central States of India. It is a curious fact, that it was brought to my notice by one of my colleagues when I was in India, as a guide to be followed on all occasions, he not knowing that I had written it.

2279. My question had reference, not to any particular question, but to matters affecting the general interests of India; would you apply the same rule as to declining to consult the Chair and the Deputy on matters of general interest to India?—I would not decline to consult, on all occasions, the Chairman and Deputy-chairman, if I thought they were capable of giving me a better opinion than I could get elsewhere; but if I could get a better opinion elsewhere, I should go elsewhere;

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elsewhere; as President of the Board of Control, it was my duty to go to the best sources I could for information, and that was the practice I adopted.

2280. *Chairman.*] Would your Lordship's experience suggest to you the propriety of having a permanent Secretary of the Board of Control?—I have views with respect to a Council for the President of the Board of Control, the substitution of some very different and improved body for the Court of Directors, which would render it unnecessary to have a permanent Secretary for the Board of Control. I must observe, that in point of fact, the senior clerks of the Board of Control have happily been men of very great ability and great worthiness, and perfectly conversant with all the affairs of India; and I really do not know that even supposing all things to remain as they are, it would be necessary to have a permanent secretary. I am inclined to think it would not. When I first went to the Board of Control the gentlemen who occupied the situations of clerks were amongst the most distinguished public servants I had ever seen.

2281. I pass on now to the changes which were effected by the Act of 1833 in the Government of India; one of those changes seems to have been to place the minor Presidencies under the immediate control of the Governor-general in Council; does your Lordship's experience approve of that change and of the limited power of the executive, especially the limited power of expenditure of the Minor Presidencies?—I could not say whether the new arrangement under the Act of 1833 has worked so as to produce economy, (which was the object of it, I apprehend,) without looking very carefully into the establishments of the two Presidencies of Madras and Bombay before the Act and subsequently, and likewise the expenditure on works before and subsequently to that period, I am inclined to think that it would be found, that if economy only were to be considered, it had worked so as to produce greater economy; at the same time I must admit, that the superintendence of the subordinate Presidencies is not that part of the duty of the Governor-general in Council which I think was best performed; but then I should observe, that when I was in India the circumstances were so very peculiar, in fact when I arrived the State was in such danger, and it remained involved in such difficulties during the whole period, that it was not possible to give the degree of attention to the affairs of the minor Presidencies which would have been given in other more tranquil times. But I should have been glad if there had been associated with the Council some distinguished officers of the Madras and Bombay Presidencies, with whom the Council might have advised upon matters referred for its consideration and orders by those two Presidencies. It is impossible not to admit that there may be certain prejudices existing in servants of the Bengal Government which may induce them not to view with the same degree of favour proposed expenditure in Madras and Bombay, with which they would view similar proposed expenditure in their own more immediate province. Although the control was made by the Act very much greater on the part of the Supreme Government over the Madras and Bombay Presidencies than it had been before, I certainly did not know so much of the affairs of Madras and Bombay, as Governor-general, as I had known as President of the Board of Control; whether the cause of that was, that having the concerns of Bengal, of the army, and all political matters more immediately before me, I did not pay so much attention to the affairs of those Presidencies when Governor-general as I paid when at the Board of Control, where the matters of all the Presidenciescame equally for consideration before me, I do not know; but the fact is so.

2282. Should you be in favour of the maintenance of the Councils in the minor Presidencies?—I should; I have always been of opinion that the maintenance of the Councils in those Presidencies would, on general grounds, be desirable; but I think it more especially necessary in order to raise the two civil services of Madras and Bombay to equal rank and consideration with the civil service of Bengal; the civil service of Bengal has great advantages over the other two civil services; it is at the seat of Government, which is in itself a very great advantage; more distinction is to be obtained by persons in the service of that Government, and if there were no Councils at the subordinate Presidencies, it would be considered that the civil services of those Presidencies were of an inferior description; I think it very undesirable that there should be that feeling. And still further, it must be remembered that the only great reward for civil servants in those Presidencies is a seat in the Council. I believe that in Bengal, and certainly in Madras and Bombay, a civilian who goes through all the subordinate offices, and has his fair share of the higher offices under the Government, will hardly

nardly be able to make more than 20,000 *l.* in the course of his service; a seat in the Council enables him to make 20,000 *l.* or 30,000 *l.* more. That is the great reward; and I think it highly desirable that that great reward should continue to exist.

2283. Would you leave the Councils as they now are?—I would; I see no reason to change them.

2284. Do you think there ought to be representatives of the minor Presidencies in the Council of the Supreme Government of India?—If the present system is to be continued of compelling the Presidencies of Madras and Bombay to send all important matters for approval to the Council, it would be desirable to have a member from each of those Presidencies on the Supreme Council; but if recurrence be had to the old system, and such reference to Calcutta is not made, then I see no reason for making the addition to the Supreme Council; it would only be useful in cases of legislation. Certainly, in cases of legislation there is very great inconvenience in not being able to confer with some one who is acquainted with the affairs of the two subordinate Presidencies. The correspondence is necessarily very dilatory, and I think there would be convenience for legislative purposes in having representatives from the minor Presidencies on the Supreme Council.

2285. Would your Lordship recommend a recurrence to the old system, with regard to those references, or the maintenance of the system as at present established?—I think it would be better to go back to the old system; I am sure it would be extremely agreeable to the Governor-general in Council that recurrence should be had to the old system, and that he should be relieved from that business. And anything which does relieve the Governor-general in Council from the business now thrown upon him is a public advantage.

2286. What is your opinion as to the change with regard to the Government of the Presidency of Bengal introduced by the last Act?—I think, unless I am mistaken, I introduced a clause into a Bill, which passed the House of Lords in the year 1836, for making the Council of India the Council also of the Presidency of Bengal, and that clause was thrown out in the House of Commons; but if the Government of Bengal is to be maintained as it is now, I think it would be advisable, certainly not objectionable, that the Governor of Bengal should have as his Council the Councillors of the Government of India, and that they should act for both, as they did formerly act for both the Government of Bengal and the Government of India. But a very important question is, whether the Governor of Bengal should or should not be separate from the Governor-general. I must confess, that when I arrived in India, I found that it was perfectly impossible for me to perform satisfactorily the business of the Government of Bengal, and at the same time the business of the Government of India; there was a great accumulation of boxes of papers upon the table; and I am sorry to say that there was no avoiding leaving a great deal more discretion in the hands of the secretaries than I think ought to be in the hands of any secretary; but there was not time for the Governor-general to look through those papers and transact the business arising upon them in a satisfactory manner; but that may not have been the case in former times, and it may not be the case hereafter. I have no doubt that during the whole time of Lord William Bentinck's, and during the earlier period of Lord Auckland's Government, before the Affghan war, the Governor-general in Council was able perfectly well to attend to the details of the Government of Bengal, and it may be so again. I must say, that I think it would be unadvisable on principle, so to separate the Governor of Bengal from the Governor-general as to afford the Governor-general no means under any circumstances of acquiring a knowledge of the details of the civil administration of the Presidency. It would likewise be very desirable that he should have power in Council of nominating some other person than one of his own colleagues to that Government. I think it would be desirable that the Governor of Bengal should be enabled, which if he were a separate individual he would be enabled to do, to make tours in the Provinces of Bengal, which have never been visited by a Governor since the time of Warren Hastings.

2287. Would you think it desirable to place the Presidency of Bengal upon the same footing as the North-Western Provinces of Agra, viz., under a Deputy-governor?—I would place them under a Deputy-governor, but as there is a Council now sitting in Calcutta, I do not see any reason why the Deputy-governor should not have the advantage of that Council. I would still make the Governor-general Governor of Bengal, so that he might at any time, if he pleased, take possession of that Government, and administer it himself; but I think he should have the power

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of placing an independent officer, not one of the Council, in that Government, whenever he found it inconvenient to himself to perform the duties of that Government.† I in that manner performed the duties of that Government as well as I could for some weeks, till I went up the country, and when I returned I thought the state of affairs were such as to make it extremely probable that I should be compelled again to go up to Gwalior; and I thought it very inconvenient that there should be a change, and during the short period I remained at Calcutta, as I was perfectly satisfied with the conduct of Mr. Bird, who acted for me, I requested him to be good enough to remain Governor, which he did; and when I returned from Gwalior I did the same thing, not because I expected at that period that I should be summoned again to the North-Western Provinces, but because I did not think, in point of fact, that my stay in India would be very long, and therefore I considered that the best thing was to allow things to remain as they were. But I remember that I advised my successor, Lord Hardinge, not to follow my example, but to take the Government upon himself. I had strong representations from persons in India of the practical inconvenience of the Governor-general divesting himself of all the civil patronage connected with the Presidency of Bengal, and I believe that there was weight in those representations. Certainly I think there was so much weight in them that I should be very sorry to see the Governor-general deprived of the power of exercising himself the authority of Governor of Bengal.

2288. In those absences to which you have alluded, in your opinion should the Governor-general retain the same power as he has as Governor-general in Council when in Calcutta?—I think so; I think the Act, as it now stands, upon that point requires very careful consideration. I am not at all certain what the effect of the Act is; and whether the provisions which existed in the former Act, enabling the Governor-general, when absent from his own Government of Bengal, to send orders to the other Presidencies, which were to be obeyed, he writing a statement of his reasons for sending those orders, is in force or not, it is very necessary that that, or some better provision should be in force, because otherwise, as the Act by which the Governor-general is empowered to exercise when absent from his Council, the power of the Governor-general in Council is a law; the Governor-general has not the power of overruling the Council in matters of legislation, and the Council may refuse him that power, although he may think it absolutely essential for the public service that he should possess it, and he would practically, by the refusal of the Council, be without the power of doing that which the exigencies of the public service might require. More than that, the Council, if they acceded to the desire strongly expressed, of the Governor-general to proceed to the Upper Provinces, might so mutilate his power under the Act, and make him possessed of so little real authority, if he did leave his Council, as to make it undesirable that he should go. I think the Governor-general, if that provision is to remain as it is, ought to have the means of leaving the Council and acting under the old law, as Lord Wellesley did; and yet that law will require to be looked into very carefully, because that law merely says that the Governor-general shall exercise those powers when absent from his own Government of Bengal; if by "the Government of Bengal" be understood the whole territorial extent of Bengal, he could not exercise those powers until he arrived at Allahabad; and with reference to Agra Agra is separated from the Government of Bengal, for certain purposes, but I am not sure whether it would or not be considered as forming part of Bengal, so that the Governor-general could not exercise those powers unless he went to Madras or Bombay. I think it must be understood to mean being probably absent for some months from the seat of Government, Fort William; because, no doubt Lord Wellesley exercised the powers of the Governor-general when he was at Benares, when he was not absent from the Government of Bengal, though he was absent from the seat of Government. And if my Council had refused me the power I asked, I should certainly, have taken upon myself to act upon the old law, but I am not sure that I should have been acting legally, if I had done so.

2289. Should you think it advisable to change the present seat of Government?—There are very great advantages in the position of Calcutta as the seat of Government. It must be recollected that India is dependent upon an insular state, and it is therefore very necessary that the communication should at all times be open between England and the seat of Government in India, which it is while the seat of Government is placed at Calcutta. There is likewise this other very great

convenience

convenience, that Calcutta may be considered perfectly unattackable both by land and by sea. There are other positions which might be considered more convenient. Agra, or Delhi, for the genera government of an important part of the country. Undoubtedly the position of Agra is not now open to the objection to which it would have been open before the arrangement I made at the beginning of the year 1844 with the State of Gwalior. Previously to that time it would have been perfectly impossible to place the seat of Government at Agra within four or five days' march of a force of 20,000 or 30,000 men who might have marched in to the seat of Government at any time. To Delhi there are some objections; but there is this objection both to Agra and Delhi, that although more convenient for the government of that important part of the Bengal Presidency, they are both very much farther removed from Madras; the communication with England is more rapid; the despatches from England arrive at Agra certainly. and I think at Allahabad before they reach Calcutta; there is no objection on that ground. I have seen it suggested in the newspapers, but I can hardly think that any reasonable being entertains the idea that it would be desirable to transfer the Government to Simla. I know that I felt very uneasy during the time that I was at Simla, because I was so far from my work; it made a difference of nearly two days in the receipt and sending of despatches, which was highly inconvenient. I thought it necessary to be there to confer with the Commander-in-Chief, but it was inconvenient, and so much so, that if I had remained in the Upper Provinces during the summer, I had intended to fix myself, not at Simla, but at Meerut.

2290. Then I gather that your Lordship's opinion is not in favour of removing the seat of Government from Calcutta?—No, I think it would not be advisable.

2291. What is your opinion of the expediency of continuing the position of the fourth member of the Council, the legislative member of the Council?—I consider that if the Court of Directors always nominated an eminent man, as the Advocate-general, there would not be the least necessity for having a legislative member in the Council; if they had nominated such a man as they had there before I arrived, Sir Lawrence Peel, it would not have been at all necessary to have had a legislative councillor; he would have done everything in the legislative line that the Government would have required. But if there is not a man of distinction as Advocate-general, it is no doubt essential that the Governor-general in Council should have some man of distinction with whom they can confer on matters of grave consideration affecting not only India, but foreign States. I can recollect a case in which we had to decide on a claim made under a treaty by the captain of an Austrian vessel to be admitted under circumstances different from those under which the Government were in the habit of admitting Austrian vessels, and it became necessary to consider the law, and the bearing of treaties upon the Government; it would be very distressing to the Governor-general not to have near at hand some legal gentleman in whom he could confide. The objection to having a legislative councillor is this, that he always wishes (and it is very natural that he should have that wish) to immortalise his service by making some alteration in the law. Now I think it very desirable to leave the minds of the natives at rest, and in tranquillity, and not to be constantly changing the law; then, again, he is not so useful a man in the Council as a man from England of a different character and description would be. If the Commander-in-Chief were always present in the Council, as he used formerly to be, or very generally, I do not know that it would be at all necessary to have in the Council any gentleman deputed from England. I think it very advantageous, and indeed very necessary, for the Governor-general to have the aid in the Council of a fresh English mind belonging to a man who has had a considerable extent of public experience. If the Commander-in-Chief were there every purpose would be answered, but the Commander-in-Chief being now almost always absent, I think it would be very desirable that the Governor-general should have some English mind to assist his own; but instead of selecting a lawyer for the purpose, I certainly should be very much disposed to select some gentleman who had obtained a certain distinction in either of the Houses of Parliament, the sort of person who in this country would be selected for the situation of Under Secretary of State; I think to send a gentleman of that description at 25 to India to assist the Governor-general in Council, to confer with the Governor-general as an Under Secretary of State does with his principal, would be very advantageous to the Governor-general himself, and eventually very advantageous to the public. At the end of five years this

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gentleman would return to England; he would bring to the discussion of all Indian subjects the practical knowledge he would have acquired, and probably he would obtain distinction in Parliament, and at the age of 30 he would be the best Governor of a subordinate Presidency, if not the best Governor-general. And I do think it so very important that the very best man who can be found in this country should occupy that great situation, that I think it would be very desirable, in reference to the administration of the Government of India, to give information upon Indian subjects to young men likely to obtain distinction and to be of use to the country.

2292. Will you state your views as to the propriety of the legislative member of Council being present when other matters than legislative matters are considered in the Council?—The law says that the legislative member shall not be entitled to sit or vote upon general subjects. I thought it right to carry out the law; and, having read the law, the legislative councillor had no objection whatever to state my interpretation of it, and retired. I am not, upon the whole, very much inclined to admit the legislative councillor generally, if there is no separate legislative Council, to the discussions of the Governor-general in Council. I think it might lead to delay frequently; and it is so very essential that there should be dispatch in the transaction of business, and that there should be the most absolute secrecy very often with respect to the matters considered, that I think the smaller the body to whom the executive authority is entrusted the better for the public interests. I had occasion, as President of the Board of Control, in the beginning of the year 1835, to express a very decided opinion upon that subject, because I found that Mr. Macaulay had been admitted to sit in the Council on all occasions; and I certainly had been under the impression that the letter which was to have been sent at that period to India had been sent. When I was there, there arrived from the Court a letter expressing their desire that the legislative member should be admitted to the Council on all occasions. Upon that letter, thinking it a matter of great importance, I wrote a minute which I should be glad to place on record, and read to the Committee, if they will allow me to do so, stating my view of the law.

2293. Viscount *Mahon.*] What is the date of it?—It is dated "Benares, February 18th, 1844. The Court of Directors, in their letter dated the 29th of November 1843, have intimated their desire that the presence of the fourth member of Council may not be restricted to meetings held for the purpose of passing laws and regulations, but have at the same time cautioned us to bear in mind that at such meetings only is he entitled to a voice in our proceedings. It is impossible to regard this otherwise than as a mere expression of the opinion and wish of the Court. If the words used could be regarded as conveying a 'direction,' by virtue of such direction the fourth member of Council would become entitled to sit at meetings not held for the purpose of passing laws and regulations, but the last Charter Act expressly provides that the fourth member of Council shall not be entitled to sit or vote in the Council, except at meetings thereof for making laws and regulations; therefore any such 'direction' given by the Court would be altogether invalid, because inconsistent with the Act of Parliament, from which alone the Court derive their authority. The Council of India, as established by the Act of Parliament, is as much a part of the constitution of India as the Court of Directors, and it is the duty of the Council to guard with jealousy all its rights, to resist all infringement of its powers, and above all, to treat as utterly null every direction which, if obeyed, would change its composition; considering, however, that the Court can only have intended to convey an intimation of their opinion, and of their wish, and not to send a direction which they are not by law competent to give, we may properly show our respect for the opinion of the Court by carrying into effect their wish that the fourth member of Council should sit at meetings of the Council not held for the purpose of making laws and regulations, in as far as it may appear that his presence may not be injurious to the public service; but it must at all times be borne in mind, that above all things secrecy in Council and promptitude of action are essential to the successful conduct of public affairs in India; and it must also be understood that any individual member of the Council may at any time, if he shall see fit, require that any person shall withdraw from the Council who is not entitled to sit therein by the Act of Parliament."

2294. You would still continue the Commander-in-Chief as a member of Council, if he were on the spot?—Certainly.

2295. Is

2295. Is your opinion favourable to appointing the Governors of the minor Presidencies exclusively out of the servants of the Company who are acquainted with the country?—No. If you can find a man like Mr. Elphinstone (which may be possible, though I am not aware that you could do so at the present moment), or if you could find a man like Sir Thomas Munro (which I believe to be impossible), no doubt it would be very desirable to have such a man at the head of that or of any Government, to be placed in a situation of public confidence or power; but I do not think that there would be any advantage in placing any man who was at all an ordinary man, who was not a man of really great eminence, in such a situation. It is impossible not to be aware that gentlemen who have lived in the civil service, and the same thing would apply to the military service, for a number of years in any one of the Presidencies of India, must have acquired many personal predilections, and perhaps some personal antipathies; and there can be no doubt of this, that such persons, if appointed Governors, would not exercise the patronage in the appointment to offices with the same degree of perfect impartiality with which a gentleman from England would exercise the power of appointment to those offices. To a gentleman coming from England, it is a matter of most perfect indifference whom he appoints; it is his object to have the strongest possible Government for his assistance; and I apprehend that almost universally there really is a sincere desire on the part of those exercising the highest authority in the subordinate Presidencies, as well as the Governor-general, to find the fittest men for the various offices; I do not think you could have the same security if you placed a gentleman at the head of the service to which he had belonged for many years, and in which he had many friends, and in which he had perhaps the reverse of predilections; for certainly India is a country in which personal feelings are allowed to have very great weight.

2296. I understand your Lordship not to be in favour of amalgamating the services of the different Presidencies, and placing them all under the control of the Governor-general?—Certainly not; I would not have one civil service for all India.

2297. Will your Lordship give the Committee your opinion upon he present mode of exercising the legislative and executive powers by the Governor-general in Council?—My opinion certainly is, that while it would be desirable to preserve limited, as it now is, of the Council of India for all executive purposes, for all purposes of administration it is well worthy of consideration in any new arrangement to be made, whether it would not be better considerably to extend the Council solely for legislative purposes; for legislative purposes, (even if Madras and Bombay are not to be made dependent upon Calcutta, as regards their general administration) I think it would be very desirable to have gentlemen from the civil services of each of those Presidencies, and I should be disposed also to bring into the Council the heads of the several principal departments at Calcutta; so that there should be a Council, not perhaps exceeding 12 in number, for legislative purposes. It would be necessary always to reserve to the Executive Council the power of passing by that Legislative Council in cases of emergency; they should rather have, perhaps, the power of calling them in, and when they did call them in, giving them certain legislative functions; but I think that there are a great many questions upon which very great advantage would be derived from having a larger body for legislative purposes; I would venture also to suggest that it would be very desirable and expedient that there should be formed, by the selection of the Government at Calcutta, and also at the subordinate Presidencies, bodies of natives, Hindoos and Mussulmen respectively; two separate bodies, to which bodies should be communicated for their consideration and opinion, all projects of law bearing upon their respective laws, customs and religion. I would not, by any means, give to such bodies the power of negativing any law the Government thought fit to pass; I think there should be, not merely that publicity which is now given to all intended acts of the Legislature, which invites observation and enables the natives to state their objections, if they have any, but that they should be enabled to state their objections with that weight which always attaches to a regularly constituted body; I think it will enable us to avoid many mistakes which we might otherwise commit in legislation upon matters most delicate and important; I think it would be, without the least danger, a mode of giving very great satisfaction indeed to the people.

2298. Will your Lordship be good enough to give the Committee your opinion of the efficiency of the civil service in India?—I had very little opportunity of becoming

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becoming acquainted with any of the subordinate officers in the civil service, indeed I may say hardly any; as the Committee are aware from what I have already said, I had the Government of Bengal for only six or seven weeks, and I really had very little opportunity of forming an opinion with respect to the general qualifications and conduct of the civil servants. I afterwards had the Government of Agra for a short period, but I was very much pressed by business at that period, and I do not think I had an opportunity of obtaining a general knowledge (and I apprehend the question refers to a general knowledge) of their qualifications and conduct, which would alone justify me in answering the question, either in the affirmative or the negative; but this I have great pleasure in saying, that there were amongst the gentlemen of that service some of the most able and some of the most respectable persons I ever saw in any public department; I may mention Sir George Clerk, whom I placed at the head of the Government of Agra, and afterwards Mr. Thomason, who has conducted the Government of Agra for the last eight years; Mr. Dorin, the Financial Secretary, and Sir Frederick Cussie, whom I made Foreign Secretary, and Mr. Davidson and Mr. Bushby, and Mr. Mansell, who was with me during the whole period of my absence from Calcutta; I might mention many others whose conduct and abilities entitle them to public approbation. I do not know any abler men in the public service than those gentlemen were, and I must say that all those whom I have mentioned gave me their most frank and honest support. With respect to the civil service, it really perhaps may be advisable to draw the attention of the Committee to the peculiarity of their position; and I must say that their conduct is far better than could have been expected when the peculiarity of their position is considered. They are selected solely by the favour of 24 gentlemen who are Directors of the East India Company; a certain examination is required from them, and they must all be persons of certain average abilities, or, at least, of a certain average industry; but on their arrival in India they are very much in the position which in this country is not considered the most favourable to call forth the greatest exertion of the human mind. They are like gentlemen who are heirs of entail to a good property; nothing can prevent them rising to high appointments; they rise by seniority, and unless they do something in a most extraordinary degree indicative of a total want of public ability, or moral qualifications, of necessity they rise in succession from the lowest to the highest appointments. Undoubtedly the certainty of success in the line which they have adopted cannot be calculated to draw forth any very great exertion of their mental powers, and that under those circumstances they should be what they are is extremely fortunate; and it may be considered more than fortunate, and no doubt very great credit is due to the body.

2299. Would you suggest any change in the system of promotion by seniority?—I should suggest a very great change with respect to the whole civil administration of India. I think nothing can be more inconsistent with the good of the country than that all the civil officers should be taken from a small restricted body of 800 persons sent out for that purpose. I would give to the Government the power of selecting for civil appointments officers of the army. It would be necessary to make various arrangements, and it would require a great deal of consideration as to matters of detail for the purpose of carrying that into effect; but what I suggest is far within what I intended to propose 23 years ago. I had not at that time brought the thing into a shape in which I could submit it to the Duke of Wellington, who was at the head of the Government, and the Government was prematurely terminated; but I at that time prepared—I have no doubt that it will be found at the Board of Control—the details for drawing the whole civil service through the army, requiring that in every case, whoever was to exercise the power of appointment, the person appointed should have served two or three years in some corps in India; that being not merely for the purpose of giving the Government a very much larger power of selection, adding about 6,000 to 800, from which the civil servants are now to be taken, which must, of course, enable an honest Government to bring much superior ability into the public service; but because I am satisfied that there is no education so good for any man who is to perform civil duties, and to exercise general powers, as the education he receives by serving with a native regiment. He sees the natives under the most favourable aspect. The native of India who serves in the army is a very superior being to the ordinary native who hangs about the cutchery of the civil servants. An officer serving in a regiment acquires a higher opinion of

the natives, and he acquires a greater regard for them, which is not likely to be entertained by a man who, as a civil functionary, only sees the worst part of the native character. I think a very great improvement would be effected by carrying out such a measure.

2300. Would your Lordship require that and officer so appointed should make his election between the military and civil services?—At the end of the year after his appointment it would be necessary that he should make his election, and if he be elected to remain in the civil service, his place should be filled up in the native regiment. But the plan which was more carefully worked out by Mr. Wilson, the Military Secretary, provided for the drawing of the whole civil service through the army. And in that case all those who were taken from their regiments for the civil service would have had the option of returning to their regiments, or of remaining in the civil service at the end of the year. If they intended to remain in the civil service they would have risen in a sort of skeleton corps composed of officers only, in which the promotion would have been much less rapid than it could be expected to be if they remained in their regiment, but it would have been at all times in the power of the Government to place them in any military situation that it might think advisable in the event of their not being competent to discharge civil functions, the result would have been that there would have been a very greatly increased rapidity in the promotion of military officers; young men would have been at the head of the army, which would have been itself a great improvement, and the Government would have had access to a larger body, out of which to make the selection; and upon that point we have only to consider what this country would be if the gentlemen who now are, and who lately were, in the discharge of the duties of Cabinet Ministers, were to select from their immediate friends and relations every person who was permitted to hold any civil office whatever. Such a system would appear so monstrous and so utterly inconsistent with the proper discharge of public duties and the good of the public service, that I am sure no one would for an instant entertain it. I should say that in practice military men to whom civil functions have been confided have occasionally distinguished themselves in a very remarkable manner, and have shown talents for the administration of Government at least equal, or indeed superior, to those which have ever been shown by persons whose education has been solely confined to civil matters. The civil administration of Sir Thomas Munro gave him more distinction than any that he ever acquired as a military man, though he was far from being an undistinguished man as a military officer. And Sir John Malcolm, who was a very distinguished military man, was still more distinguished in administering the civil government in the country in which he served.

2301. Mr. *Hume*.] Would you allow the Governor-general of India to make the selection, from time to time, of officers for the civil service, out of all grades in the army; that is, from majors, captains, and lieutenants, or have you had in your mind the formation of any rule that might be followed upon that subject?—I am unable to suggest any rule; I think the advantage of the system would be in having no rule, and in giving the Government absolute power over all the European ability in the country, of placing it wherever they judged best for the public service; I cannot express myself too strongly to the Committee upon this subject, that the only object that the Governor-general of India can have is to obtain for the service the highest moral qualities, and the exercise of the greatest abilities on the part of all Europeans who are placed in various offices over the country; and therefore that system I consider the best which places the greatest ability at the disposal of the Government.

2302. *Chairman*.] Will your Lordship be good enough to give the Committee your opinion as to the scale of pay and remuneration to the civil servants, whether it is too high, or is sufficient to compensate efficient service in India; would you say that the pay ought to be diminished or increased?—I would not diminish it; I think it may be considered, perhaps, sufficient, but not more than sufficient by any means. It would be much more convenient if the gentlemen of the civil service were not exposed in early life to great temptations by being detained in Calcutta on their arrival, which leads to great extravagance and great debts which embarrass them very likely during the larger portion of their life. I have heard of men who, in consequence of the debts which they contracted in this way, have not been enabled to save anything at all until the late years of their service; and there is this public consequence of debts incurred in early life by servants of

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the Government in India: I am afraid it very often happens that the person to whom they are indebted stations about them some dependent who is supposed to have their ear, and to exercise a great deal of influence over them, and it seriously damages them in public opinion. I would go yet further, and say that not merely it damages them in public opinion, but a man in pecuniary difficulties is not to be trusted.

2303. Would you make any change in the present system of leaves of absence in the service?—The civil servants are desirous of being allowed to come to England, and to retain their offices, instead of being allowed only to retain their offices when they go to Australia or to the Cape. There appears to be no reason why, if they are to retain their offices at all when absent for two or three years from the country, they should not come to England as well as go to Australia or the Cape; but I confess that the whole of that system seems to me to require great consideration, and, I would add, revision. I think nothing is more inconsistent with the public service, than that a man should go away from the country, and come back at the end of three years and claim the office that he before filled, and turn out the gentleman who had been fulfilling the duties during the interval. He comes back totally ignorant of all that has taken place in India during his absence; and even if he were fit for the office when he went away, he may be perfectly unfit for it when he comes back; the three years may have weakened his mental powers or his physical energies, and yet he is considered as having a freehold interest in that office, and he puts out the gentleman who has been performing the duties during the whole period of his absence. I consider it contrary to reason and the public interests that such a system should exist.

2304. Does it frequently happen?—Constantly; I see, but the other day, that there is an instance, and a very striking instance, mentioned of Colonel Stewart, who has been for many years the military secretary; he has gone for three years to Australia, and he still retains his office; it is contrary to reason that he should do so. If Colonel Stewart were to be, on his return to India, competent to that office and the fittest man for it, the Government should make an arrangement with the gentleman discharging the duties, and put Colonel Stewart into that office; but what I deprecate is, the right of the individual on returning, after having been away for three years, to put out the gentleman who may have been performing the duties most efficiently during the time.

2305. To recur to the change to which your Lordship alluded as advisable; if the Legislature thought it expedient entirely to remodel the constitution of the Home Government and the Government in India, will you state to the Committee what would be the plan which you would think it right to suggest?—It is a very difficult question and a very difficult problem to solve, but it is one which the Committee ought to endeavour to solve, for I cannot express too strongly my sense of the extreme importance of coming now to a decision, as far as we can form one, as to what shall be the future Government of that country. We are under circumstances totally different from any which have existed before; I should say it is a very difficult problem to solve, because what we have to do is to find the best possible Government for nearly 100,000,000 of people, differing altogether from ourselves in religion, customs, habits, modes of thinking, and education, and occupying a great territory 15,000 miles off: and we are to give them the best Government we can, consistently with two conditions, the one that we should maintain that country in dependence upon England, and the other that we should do nothing which can in any degree shock the constitution. Those are two conditions which it is extremely difficult to observe, and at the same time give the best Government to a very distant people, a people so different in their religion and character. I think it very important to consider those two conditions at the present moment, because the circumstances are altogether changed by our having broken down all resistance hereafter on the part of the native States. We have carried our frontier in Hindostan to the utmost limit to which any prudent man would wish to see it carried; indeed, I must say I should be very glad if it were possible by some arrangement with Gholab Sing, to exchange what we have on the right bank of the Indus for some of his territory on the left bank, which lies between our frontier and the hills. A form of Government which might have done very well when we were in a state of constant progress, and likewise in a state of almost constant danger, may in point of fact be very unsuited to a state of perfect tranquillity, a stationary state, and to the future condition of the great empire, in which we have a population we are every day endeavouring to improve, and

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an army whose feelings we must consult, for which we have been able hitherto to find occupation. What I dread is an increasing want of consideration for the natives on the part of those entrusted with the civil government of the country, and yet more an increasing want of consideration for the native soldiers on the part of British officers. Now I know, that what is termed the insolence of office produced the insurrection in Saugur. I understood, when I was in India, that it arose altogether out of the changed manner of those who governed, towards the people; it was insult to a native gentleman which occasioned that insurrection. I think that a very grave matter for consideration. That insurrection embarrassed to the last degree the Government at the time, rendering necessary a large detachment of troops, required for very essential service elsewhere. But that which is of still graver importance is, the effect which a long state of peace may have upon the conduct of European officers towards the native soldier. I certainly observed myself a very great difference in the conduct and feelings of the old officers and the younger officers towards the native army; the old officers treated the soldiers as if they had been their children, and I really believe that the soldiers would have followed them as if they had been their parents; it certainly was not the same with the younger officers. I never recollect to have heard any expression of feeling of the same description from them towards the native soldiers. I have seen an adjutant who did not know the names of his own soubahdars; and I certainly have observed the greatest possible difference between the general appearance of a regiment and the conduct of officers and men towards each other, in a regiment which had been on service and a regiment which had not been on service; the state of things to which we are coming is one in which no regiment in all probability will have been on service for a number of years; and yet it is absolutely necessary to maintain that army; I will not say at this distance of time (it is now eight years since I have had any connexion whatever with the Government of India) that I have a recollection of all the details of the circumstances which led to my entertaining very strong impressions upon particular subjects, but certainly there was no impression produced upon my mind more strong than this, that it had become essential to the safety of our present position in India to conduct the Government in the name and by the direct authority of the Crown. I do not think that it is safe to incur the risk which may be brought upon the country by the conflict of two almost coequal authorities in England. I think it most desirable that all persons in that country should look only to one authority; that all should act in unison; that all should support the Government, knowing that they can obtain no advantage by thwarting it, and that everything they can hope for must be in consequence of their good conduct, in executing its orders, and supporting it. There would be a very great advantage as regards the feelings of the native States if the Government were conducted in the name of the Crown; it would be in conformity with all their ideas of Government, and I think the Crown is much more naturally at the head of the home administration than any Court of Directors can ever be. I consider that in fact our Government is at the head of a system composed of native States, and I would avoid taking what are called rightful occasions of appropriating the territories of native States; on the contrary, I should be disposed, as far as I could, to maintain the native States, and I am satisfied that the maintenance of the native States, and the giving to the subjects of those States the conviction that they were considered permanent parts of the general Government of India, would materially strengthen our authority. It was impossible for me not to see the respect which our own soldiers entertained for native princes. I felt satisfied that I never stood so strong with my own army as when I was surrounded by native princes; they like to see respect shown to their native princes. I observed, on all occasions, that at the commencement of any interview between the Governor-general and a native prince there was a coldness, and suspicion, and jealousy, and after the Governor-general had treated the native prince upon the footing of equality, and received him with honour, the whole feeling of the native prince, of all his court, of all his people and of all his soldiers, was entirely changed; and when I paid the return visit to that prince, I saw that I had the confidence of the people and of his court and army; it was the consideration shown to their chief that created that great change in their feelings. The native princes are sovereigns of one-third of the population of Hindostan; and with reference to the future condition of the country, it becomes more

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and more important to give them confidence that no systematic attempt will be made to take advantage of the failure of heirs to confiscate their property or to injure, in any respect, those sovereigns in the position they at present occupy. I think it would be very much easier to maintain our Government if it were conducted in the name of the Crown than if it were conducted, as it is now, in a manner which even here is little understood, and must then be perfectly unintelligible; and the Committee must recollect that there are new dangers opening upon us, which it may require all the wisdom of Parliament to meet; there is a strong desire to extend education amongst the natives. I recollect having had a visit from the late Dwarkanauth Tagore, who was the most intelligent native that ever appeared in this country, and one of the most intelligent in his own country. I had read in the newspaper that morning a speech which Dwarkanauth Tagore had made on the subject of the education of the natives of India, and when he called upon me I said, "I see you have been making a speech about education;" he said, "Have they printed it?" I said, "Yes," they print everything, but you and I know in this room we need not talk as if we were talking for publication, but we may say exactly what we think. You know that if these gentlemen who wish to educate the natives of India were to succeed to the utmost extent of their desire, we should not remain in this country three months;" he said, "Not three weeks;" and perfectly true was his judgment. Now, endeavours are made not only to educate the natives, and to give them European knowledge which is power, and to give them European ideas, but at the same time to raise them in the civil service, for it is now proposed to give them covenanted situations, and practically hereafter to delegate to them almost the whole of the civil government of the country; and it is proposed to put the natives in possession of the great civil offices, at a time when the press, and increasing railways and electric telegraphs will enable them to communicate and co-operate; how is it then possible that we can, under our present most defective, or indeed, under any institution, retain our hold over that country? It is contrary to all reason. No intelligent people would submit to our Government. These things must be considered, and great care must be taken by Parliament in determining what shall be the future government of India. Now I have said that I prefer the direct Government and authority of the Crown, and that the name of the Crown should be used in the Government, and no other name; but I feel it absolutely necessary, not merely out of regard for the constitution of England, but likewise, I must admit, for the benefit of India, to separate the patronage from the Government. I should consider that a settled point; it would be absolutely necessary that the officer, whatever might be the title given to him, to whom was entrusted by the Crown the authority over India, should have a most competent Council to consult with on all occasions. If I thought that I could frame any constituency which would elect better representatives of the different branches of the services of the different Presidencies, and a better Council than I think could be formed otherwise by arrangements that I could suggest, I should prefer the elective principle to nomination by the Crown. But that which I think upon the whole would produce the best possible result, which I apprehend should be the sole object of the Legislature, would be the naming of the Council in the Act itself; that would throw upon the Government the absolute necessity of making good nominations in the first instance. In that Council the three armies of Bombay, Madras, and Bengal should be represented, and the revenue and judicial services of each Presidency should be represented likewise. I think it would be extremely desirable that there should be some member of that Council who should have filled high political situations. That would form a Council of 12 persons; if those persons were originally named in the Act of Parliament, they should draw lots, and one-sixth should go out every year; and I should propose replacing those who went out always by persons who had filled similar situations to those who were to leave the Council, but giving a power of selecting again those who were to go out; and those selected should be named by the Government, on the recommendation of the Governor-general, or the Governors of the several Presidencies. I think that in that manner you would obtain the best Council that could be obtained for the purpose of advising the President of the Board of Control; and having those individuals who would have great local knowledge, great experience, and very great authority in India, I think that the Government would be conducted in a manner very superior to that which is likely to be the case under the present system, or under any other system which I can imagine;

imagine; in fact, the President of the Board of Control then would have the advantage of being able on all occasions to recur to the advice of persons best qualified to give him advice, which no President of the Board of Control now would be able to obtain. He would have a very great advantage in being able always to do so under this arrangement. The business relating to the particular department to which any member of the Council belonged would be always laid before him; he would report his opinion upon it, and if the President differed in opinion from the member to whom the particular branch of the business was referred, there would be a power of calling the Council together, and considering the matter in Council. I am of opinion that upon the whole, that would be a preferable mode of forming the Council to that of having recourse to the principle of election. But if the principle of election be preferred, I think it would be extremely desirable very largely to increase the constituency that now exists; and if Parliament were disposed to avail themselves of that constituency at all, as far as possible to connect that constituency with India, so that persons who had to vote for the election of those representatives might really have a practical knowledge and experience of their several qualifications. I cannot imagine any reason why persons who are creditors of the Government in India should not have votes in the election of Directors if the present system were maintained, as well as those who happen to be in possession of East India Stock; and I think a very great advantage would be derived by adding to those who had a pecuniary qualification, all persons who had served a certain time in India who would bring knowledge in relation to the selection of the representatives.

2306. How would you dispose of the patronage?—I would give it entirely to the Council, the President of the Board of Control not having a larger share than he has at present; but it would be extremely advisable that a portion of that patronage should be sold. I never heard that officers who purchased their commissions were in the slightest degree inferior to those who obtain their commissions without purchase; and I am sure that it would be very advantageous to introduce to a larger extent than is likely to be introduced now under the present administration of the patronage, the aristocracy of the country into the service of India.

2307. Viscount *Jocelyn*.] Do you mean the military and civil services?—Yes, both the one and the other, to a certain extent. It is very hard upon a gentleman who has the means of purchasing a commission for his son, that unless he happens to be acquainted with the Directors, he should be excluded from that which is far the greatest and most brilliant field for the exercise of human ability, and the exertion of mental powers. I think that it is desirable that all those who serve the Government in India should have, as much as possible, the most intimate connexion with England, be dependent upon England, and have no interest that can be by possibility separated from that of this country. The higher the class from which you take the officers of the Indian Government, the greater the security for the constant connexion between India and England. That would not be out of my view in suggesting that appointments should be obtained by purchase as well as by patronage. The Committee must recollect that our hold upon India rests altogether upon the superior ability and the superior character of the European. If that be diminished, in the same degree, our hold over the country is diminished, and if that should altogether go, it will be perfectly impossible for us to retain our power over the country. It is by the supremacy of the mind we hold the country, and by that alone.

2308. *Chairman*.] Would you give salaries to the members of Council, or remunerate them by giving them patronage?—I would give them salaries. I think it would be a great object to a man in India to obtain one of those situations; in fact, the persons who would be recommended by the Governor-general or Governors to those situations would be those who had acted as secretaries and members of Council in India; their object would be to recommend the most eminent men in the country; it would lead to their coming home somewhat earlier than they do now. There is no doubt that the inconvenience of the canvass deters the most eminent men from putting themselves forward as candidates; that difficulty would be entirely obviated, because, no doubt, the most eminent persons would be always recommended by the Governor-general or the Governor; and there would be likewise this great advantage, that all the great servants of the State in India would look to the Governor-general or the Governor,

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and would look to the distinction and position they would hold here as the reward of faithful service in that country. I would do everything which could properly be done to elevate the character of the members of the Council of India in this country. I see myself no reason why they should not be members of the Privy Council; anything that could be done to elevate their position would be a great public advantage.

2309. Would you admit them to a seat in Parliament?—I believe they would be better without it, and the country too.

2310. What are the general powers which you would entrust to this Council?—I would propose to do away altogether with what is called the double Government. I would not have a despatch prepared by the Court of Directors and submitted to the President, in the same way that it is now. One advantage of this change would be the abolition of the double Government, but the members of the Council should have the power of representation in the same manner as at present, the power of forming an opinion, and giving an opinion upon all subjects; of course the President appointed by the Crown would have the power of overruling his Council, in the same way as he has now the power of overruling the Court of Directors.

2311. Sir *E. Colebrooke.*] You would propose that the power that the President of the Board would possess with reference to the Council, should be the same as the power that the Governor-general in India possesses with reference to the Supreme Council?—Yes, very much the same; because the Governor-general has the power of overruling his Council. If I may be allowed to go back to the point of the power of the Governor-general, I think there is a matter requiring a good deal of consideration in forming a new law for the Government of India; the Governor-general has the power of overruling the Council in all cases where he thinks it essential for the safety or interest of India that he should do so, but I really do not know whether the Governor-general could say that it was strictly in accordance with the intention of the Act that he should overrule his Council in matters of patronage, unless the office in question should be one of the highest importance, such as that of Chief Judge of the Sudder Court, or the Deputy-governor of Agra; but on principle, I think he should have the power of overruling his Council upon matters of patronage, because if he were not to have that power, there might be a combination of the members of Council to take all the patronage from the Governor-general; he has two votes in the Council; they are not numerous, and unless he were able to exercise that power which he now holds in reserve for the purpose of defeating the hostile opinions of the Council upon matters of patronage, he might be deprived of his whole patronage, and the Government of India might be practically entirely changed. I think it would be straining the meaning of the law very greatly to apply that power of the Governor-general to questions of appointments to offices; but I think it ought to be applicable to that.

2312. *Chairman.*] In the plan that you propose for the Government at home, the Committee is to understand your Lordship to propose entirely to abolish the power and position of the present Court of Directors?—Yes; one advantage of the present state of things is, that we are not at all required to take into consideration the Court of Directors; it is all *tabula rasa.* In 1813 the Court of Directors had to give up the trade in India; in 1833 they had to give up the trade in China; there was then a contract with the Court of Directors; there is none such now; and there is no reason why you should go to the Court of Directors any more than to any other body; they have no property remaining in India. The payment of their dividend is secured to them; they have no other claim upon the Government of India, and there is nothing to lead you to select the Court of Directors rather than any other body, if you can find any other body to whom that power can be with advantage delegated; and I have already stated that one great objection to the present body is that the nature of the constituency and the difficulties of the canvass really do deter the most eminent men from becoming candidates for the Direction. If the Court of Directors, smaller in number (because I think their number to the last degree inconvenient), could, under the present system, and under the present constituency, be filled with men like Sir Richard Jenkins, whom I have mentioned, and one or two others who are there, or like the late Mr. Charles Grant, who had a seat there, I should not have the slightest objection to the continuance of the system; but it is because

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with this constituency and canvass you cannot hope to have the fittest men in the Court of Directors that I object to it.

2313. Your remarks have applied hitherto to the Government at home, would you change the constitution of the Government in India?—No; I believe it is not necessary to do so. I have no jealousy of the Council which I should propose, quite the contrary; and I am not sure that there might not be a practical advantage in giving the Council a negative in the appointment of the Governor-general and the Governors. All I wish is to have the best men, and to devise a plan which should bring into the highest appointments in this country men who have been found to be the best men when serving in India, and they should be sent here on the recommendation of the Governor-general or the Governor. In the appointment of Members of Council in India, it seems to me that the law should be altered. I think it extremely objectionable that the Members of Council should be appointed by the Court of Directors without any intervention of the Government of this country, the President of the Board of Control having no negative upon these appointments. There is also something strangely anomalous in the present constitution of the Council of India, from the manner in which those gentlemen are appointed as Members of Council; they are taken, not as representing particular departments, but in consequence of their supposed claim to a seat in the Council. And this may happen again which happened in my time; a gentleman died, a man of very great ability, and very great public service, Sir William Casement, who was the military Member of Council, and highly useful in that capacity, and particularly required in the Council at that moment when we had to deal with a mutinous army. There was another gentleman in the country who had a provisional appointment to the Council, and he knew nothing but law; this gentleman who knew nothing but law was substituted in the Council for a gentleman who knew nothing but military matters; nothing could have been more strangely inconsistent with reason. At the time we were wanting a military adviser we were deprived of him by death, and we had in his place a legal adviser, admirable in his way, but not particularly wanted at that period. I should recommend that an arrangement should be made by which there should be in the Council a representative of each department, and when a member was removed, there should be appointed to succeed him a gentleman in the same department, who was practically conversant with it; what is desirable is, that the Council should actually represent the whole service.

2314. Lord *J. Russell.*] With respect to the Council at home, under your Lordship's proposal, the members of it would be immovable for six years?—Yes.

2315. Would it be in the power of the Crown, or of the President of the Commissioners for the Affairs of India, to overrule the decisions of that Council?—Certainly; the President of the Board would have the same power with respect to that Council that he has now with respect to the Court of Directors. He can overrule every decision of the Court of Directors, even if unanimous, upon a matter which is to be communicated to India, and he should, I think, retain the same power. My object is to get rid of the double Government, and to give to the President of the Board of Control, that is, to the Government, the best constituted Council of advice.

2316. Viscount *Jocelyn.*] You do not propose that that Council should originate matters?—The origination of matters would best rest with the President himself. Every paper, when sent from India, would be communicated to the Councillor in whose department it might be, and it would be open to him to express to the President his opinion upon the subject of the answer that should be given, if any answer were required. It would be for the President, in consultation with him, to decide what letter should be prepared, and if they should differ, it would of course be in the power of the Member of Council who might differ from the President to desire that the whole Council should be summoned, that the matter might be considered by the whole Council, but that would not be necessary under all circumstances, many of those matters being matters of trivial importance, upon which it would not be necessary to consult the Council, and it would only embarass the Council to call it together on all occasions.

2317. Mr. *V. Smith.*] Would you give the Council the power of expressing an opinion, supposing it differed from the President?—No more than the Court of Directors have now, which is, in fact, nothing at all. They cannot do more than express an opinion. They might state the objection of any individual member, or the objection entertained on the part of the Council, and it

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would remain on record as it does now. There will be no practical alteration in that respect in the constitution of the Government, except this, that it would bring together the 12 best men you could have for the purpose of constituting a good Council. If they could be obtained better by nomination, on the recommendation of the Governor-general, or the Governor, I should prefer that to the elective principle. I should have no objection to the elective principle if I thought it would produce as good a Council, the whole object being to give the Government of England the best Council, to which they can refer on all matters relating to the Government of India; because I think it essential to the continuance of our connexion with that country that the Government should be administered according to the best advice we can obtain from those practically conversant with the feelings and opinions of the people.

2318. The establishment of this Council would, in your Lordship's opinion, constitute a better body than the present, and it would get rid of the double Government?—Yes; because the letter would be prepared by the member and submitted to the President of the Board by him; and the President, in consultation with the member to whose department the matter referred, would consider what the letter should be, and there would be a power of reference to the whole Council if they differed in opinion.

2319. Mr. *Herries.*] The Council would be advisers only, without originating any matters?—Yes; in fact, much the same as the Court of Directors are now the advisers of the Board of Control.

2320. How would the patronage be disposed of?—I have already said that I should give the whole of the patronage to the Council. I think the President of the Board of Control should have the same share of the patronage as he has now for public purposes. I think it might be possible to require that he should never give anything in this country, but that all the patronage should be given to India; it would be a great convenience to himself if it were made imperative upon him, but there can be no doubt that the President of the Board of Control does a graceful act in rewarding some distinguished services of a public servant by nominating his son to a writership or cadetship, which has a very good effect. Some of the best men in the public service have been brought into it by the patronage of the President of the Board of Control.

2321. Would not that virtually be vesting the patronage in the Crown?—I think not, because those Members of Council would be entirely independent of the power of the Crown; they would sit there for six years.

2322. They would have no power of originating matters, but they would sit on the Council as advisers of the President?—They would be acting independently when once appointed to the office for six years. Their salaries should be such as would cover the additional expense of their living in London, which would be imposed upon them. I would not place the salaries above 1,000*l.* or 1,200*l.* a year, that would answer the purpose; that would double their own income, and it would be some remuneration to them, but it would impose upon them the living in London with its concomitant expenses. They would be recommended by the Governor-general, but I would not by any means enable the Governor-general to make the appointment of the person who is to sit on this Council; on the contrary, I think that the Crown should require that he should nominate two or three individuals for the office, and the officer of the Crown should make his election of the person to be appointed; but the Governor-general or the Governor would know much better who would be the best advisers than any one in this country could do.

2323. *Chairman.*] In what position would the President and the Council be with reference to Parliament; would they be bound to make a report?—Parliament might require from the President a report; the President would be the party solely responsible; one great objection to the present system is that he is not solely responsible. If the President of the Board of Control acts in conformity with the opinion of the Court of Directors, if he can say "The Court thinks so and so," "The Court decided so and so," and he merely acquiesces, or if they come in to his opinion, I have not the least doubt that his responsibility is very much diminished. I consider that no Government can be well conducted in which the principle is not established of the sole responsibility of the person exercising great functions. I think all Boards objectionable, but here it is absolutely essential for the good Government of India that you should have a Council; no person, however distinguished in Parliament, can possess,

as to the Government of India, in this country the knowledge of the details of the administration; he must have a Council.

2324. Viscount *Jocelyn*.] Your Lordship has stated that you do not consider the power of the Crown over this Council would have any influence in the disposal of the patronage, on the ground that the Members of Council would be permanent for six years. Would you propose that they should be eligible for re-election?—I think that is a matter of considerable doubt. No doubt, as the recommendation must come from the Governor-general, or the Governor, they could not be re-elected by the Crown solely on account of favour, it could only be in consequence of the Governor or Governor-general having judged it expedient to continue the services of that individual; but it would be for the Governor-general to consider whether that would be expedient for the Government, for he might think it was highly desirable that that high reward should be given to an officer who was about returning to this country, and I think that the probability is that the Governor-general would keep the patronage in his hands.

2325. Do not you consider that their independence, if they were eligible for re-election, would be materially interfered with by the influence of the Crown?—I do not desire that there should be any such influence; I would willingly adopt the elective principle, if I thought it would produce better men, but it is on that ground that I give the preference to the other; I have no jealousy of the elective principle whatever; all I earnestly hope is that Parliament will endeavour to devise a system which will ensure the assistance of practical men with Indian reputations in the Government of India.

2326. *Chairman*.] Would you give more publicity to the proceedings of the Indian Government than exists under the present system; I have no objection to publicity, but I know that nobody here will attend to the subject; you cannot force it upon a reluctant public.

2327. Sir *J. Graham*.] If you had a Council established in the manner your Lordship proposes, would you give to the Members of the Council the power of recording their dissent to any proposal made by the President?—Certainly.

2328. Did I not understand you to say that you thought that recording dissent on the part of the Secret Committee would, if it were open to move for the recorded dissent, bring the whole machinery of Government to a standstill?—The power of the President of the Board to send despatches through the Secret Committee must be reserved, as it is now, because it may be absolutely essential that secrecy should be kept as to the orders for the prosecution of a war.

2329. In the case of political despatches of the highest importance there would be no reference under your plan to the Council?—There would be no objection to having two or three Members of the Council to whom all those despatches should be communicated; on the contrary, I see no reason why the Secret Committee should not be transferred to the Council.

2330. But you would have the same objection that you before stated, to the Council recording their dissent in such cases?—Yes, I consider that the same objection would apply in that case to having an official document, the record of dissent to a despatch which it was possible to call for in Parliament; it might altogether defeat the operations of Government. If the despatches that were sent through the Secret Committee with reference to the recent war in Ava had been made public, it is very possible that our army would have been lost, and the greatest possible danger have ensued.

2331. Your Lordship is of opinion that there should be a reservation with reference to the business of the Secret Committee, and that if communications took place they should not be recorded?—I think the system should be the same as at present.

2332. Mr. *Hume*.] Do you propose to abolish altogether the duties now performed by the Court of Directors?—The Court of Directors may still perform such duties as are now performed by them in the receipt of their dividend. I am not aware that they have any other duties necessarily imposed upon them; at the end of 20 years they would have paid to them 12,000,000*l*., and if they were very imprudent they would lay it out on Indian railways.

2333. Are you not aware that the Court of Directors have duties in connexion with the different departments, military, revenue, and judicial, of the Government

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of India?—They have some duties now, because Parliament has imposed upon them those duties in connexion with the Government of India, but there is no necessary connexion between them and the Government of India.

2334. In what way would you perform the duties now performed by the Court of Directors, if you had a Council such as you have proposed?—The Council might perform all those duties, and they would perform them far better than the Court of Directors.

2335. Did not the law intend that the Board of Control should be a Council to manage and superintend the administration of the Government of India?—I have no doubt that the original law intended making the Board of Control a practical Council; and I understand that in former times Mr. Pitt and Mr. Dundas used to go to the Board of Control and sit in Council; but that was found to be inconvenient, and the whole authority of the Board is now vested in the President alone. But there are still Commissioners; the First Lord of the Treasury, the President of the Council, the Lord Privy Seal, and each of the Secretaries of State, may, if they please, sit in the Council.

2336. Is not that a mere mockery as to check or control; does not the President always conduct the whole business, and is it not the case that the other members of the Board never do attend?—Never. When I was President of the Board, upon all matters of difficulty I always went to the Duke of Wellington, who was at the head of the Government, because I knew that he had not only a practical, but an intuitive knowledge of everything connected with India; and whatever I know or whatever I think upon the subject of India, has been very much brought into my mind by constant communication with him. But I never went to Sir Robert Peel, when he was at the head of the Government, to consult him upon any matter.

2337. Of what use was it having a Board?—Of no use whatever.

2338. What is to prevent this Council of 12 members which your Lordship proposes falling into abeyance?—I might as well ask what is to prevent the Court of Directors falling into abeyance; this Council would be merely substituted for them.

2339. The Court of Directors has a check imposed upon them, but you, as President of the Board, would have no check or control imposed upon you; and would you not be able, in the same way as the Minister for the Colonies now does, to do just as you pleased?—I do not propose to give to the President of the Board of Control, if that be his name, any higher power with regard to the Council than he possesses now with regard to the Court of Directors. He can now overrule the Court of Directors; they have, in fact, no authority.

2340. If the President of the Board should direct anything important connected with revenue, judicial, or military matters, they have the power of dissenting, and recording their dissent, and thereby bringing his conduct before Parliament?—So would the Council have the same power with respect to the President. I merely put this Council in the place of the Court of Directors. I wish the Committee to understand that all I desire is to have a Council smaller in number, and better constituted, no matter how that object can be obtained. That seems to me to be the object to be attained, and that which I suggest seems to me the best mode of attaining it.

2341. By what means would you prevent the members of that Council from becoming what the members of the present Council are?—I cannot prevent any man from becoming useless. I have known frequent instances in which men have allowed other men to do their duty for them, and they themselves have become useless. I have no doubt the Government of India is changed from year to year, and from month to month. I dare say at this moment the Government of India, as regards the Court of Directors, is managed by the Secretary of the Court of Directors; and at the Board of Control there is no one rule always acted upon. When I went to the Board of Control I found that a great deal more was in the hands of the clerks than I considered ought to be, and I put an end to that. If the President of the Board of Control is an indolent man, the Court of Directors are only too willing to do all his duty for him, and he will have no trouble at all. The letters are brought to him, and he merely signs them. On the contrary, he may be very active, and they may get up a case against him in Parliament if he does anything they dislike.

2342. Looking to the manner in which political appointments are made in this country, is it not very frequently the case that parties are not put into offices who are most competent to fill those offices; and looking to that fact, does your Lordship

ship expect any better proceeding in future?—At least, I think I am bound to expect that the Government, be it what it may, will not be so utterly destitute of a sense of public duty as to place at the head of the Board for the Government of India in this country a man whom it deems incompetent; but I feel sure of this, that in order to obtain eminent men as Members of Council, it will be necessary to leave it to the Governor-general and Governors to select competent persons.

2343. You stated the great advantage of having an English mind to assist the Governor-general in the Council of India; is it your opinion that the Government should be conducted by the Government of India in all its important features?—Yes, it is; I am quite sure that all attempts in this country to interfere with the details of the Indian Government will prove practically futile, and, as far as they have any effect, they will do a great deal of harm; the Government of India must always rest with the Governor-general.

2344. Upon the appointment of officers to fill the high and important situations of Governor-general and Governor of a Presidency, will depend in a great measure the future good government of India?—It must be so in a great measure; but I think this should be remembered, that you send to India a Governor or a Governor-general with very great powers, and you impose upon him great responsibility, and you require from him a record of all that he does; I think nothing can be more important for the purpose of enforcing that responsibility, and for the purpose of assisting him in the discharge of his duties, than to constitute as well as you can, of the most eminent men you can find, a Council by which the opinion of the Home authorities is to be communicated to him; I am not afraid of ability in those who compose the Council here; far from it; I desire that it should exist.

2345. You have stated that you are not aware what the Court of Directors do; is there any one act of the Governor-general, or any important enactment for settling revenue or military, or judicial questions that is not sent home to the Court of Directors, and does it not then pass through an ordeal, after which it is submitted to the President of the Board of Control?—I am not questioning the extent of the duties of the Court of Directors, but I say that I do not know whether they perform those duties, or how they perform them; I have no doubt that there are cases where they personally interfere in the conduct of the business, and that the despatch which is sent from the Board of Control emanates from the whole Court; but on many occasions that is not so. I have had before me at the Board of Control letters of which the Chairs knew nothing. When at the Board, I did not take anything for granted, but I looked through everything myself.

2346. Was not that an exception to the general rule, and is not your Lordship aware that everything connected with the different departments passes in the first instance, before the Chairs and then before the Court?—I know that there are those rules, but I do not know how they are practically carried out; I know not whether the Chairs suggest the letters, or whether the Secretary suggests them; but where you have a double Government and a large body of 24 persons at one end of the system, and a large body of extremely intelligent and able advisers assisting that large body, and then again at the other end of the system the President of the Board of Control, going into the office ignorant of India, and having a large body of very intelligent gentlemen acting as clerks at that establishment, it is more than I can say how the Government is conducted; I have no doubt that it is conducted very differently at different times; I know that while I was at the Board of Control I conducted the Government, there is no doubt about that.

2347. Whatever duties the Court of Directors now perform, you would transfer to the new Council?—Yes.

2348. What security have you that that Council would perform those duties?—You have the best security you can have; you carefully select the ablest men to fill the office of Members of the Council; the object of the plan I suggest is to obtain the selection of the fittest men.

2349. The mode of appointment that your Lordship suggests is the recommendation of the Governor-general; may not the Governor-general have his partialities as well as other parties, and may he not recommend individuals who may be appointed to the Council, who may be unfit to fill the office, and what security have you that errors would be likely, under that system, to be less common than they are now?—In this country people do not quite understand how very great a situation that of the Governor-general is, and how infinitely he is above such partialities,

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tialities, or any motives of that description, in the selection of officers; in the selection of officers for high employments he wishes to have a strong Government; he wishes to immortalize, if he can, his administration, and all those matters are so inferior and unimportant, that he cannot condescend to them. The Governor-general is above all that passes of a party nature in this country, and being fully occupied in his important duties, it is a matter of indifference to him.

2350. I admit that the importance of the position of the Governor-general is not fairly valued in this country, but you have been giving us a programme of the mode in which the Government would be managed by this Council; seeing the manner in which all Boards are formed in this country, are you not doubtful how far this Council would answer the purpose for which you recommend its establishment?—I should say if it does not answer the purpose, alter it; do not consider that what you are going to do is to last for 20 years or for two years; if it fails I think nothing is more important than this, that what Parliament does now should only be considered in the light of an experiment. I think it so important that no mistake should be made even in that experiment, as regards the safety of the connexion between this country and India, that I greatly regret that Parliament should be forced at such a short notice to come to any decision upon the subject. I should greatly prefer passing an Act for carrying on the state of things as it is now till we have a strong Government commanding a large majority in Parliament, which can thoroughly consider the whole matter, and propose to Parliament that which it thinks best and which it knows it can carry. I deprecate legislating upon the subject under a weak Government.

2351. Does your Lordship admit that on the whole the Government of India has been for the last 20 years well administered, looking to the distance of the country to be governed from this country, and the other difficulties connected with the Government?—If all those circumstances are to be taken into consideration, I know not what may be the extent of the allowance that you may make for them, but this I am sorry to say, that in marching through that country I saw many things which gave me great pain.

2352. Taking into consideration the only means we have of comparison, namely, by comparing the territories of India with the other dependencies of the Crown, are you not satisfied that India has been better governed than those other countries?—You have had more means of improvement in India, and everything that has been done well in India has been done by a few individuals. There have been a few great men, and you have had a body of English gentlemen, civil and military, associated with those few individuals who have occupied the higher positions. You have had 7,000 or 8,000 English gentlemen, all of them endeavouring to forward the service of the State. A few great men, assisted by the emulation of those gentlemen, have done every thing in India; it has not been done by Parliament.

2353. Your Lordship has alluded to the advantage we should derive from the unity maintained in this new Council?—Yes; from the unity of the Government, and the direction to the purposes of that Government of the minds of eminent persons knowing India. There would be one Government for India established, and we should avoid the mischief of having a divided authority.

2354. Is your Lordship aware how the appointments are made by the Government here; and, looking to the appointments connected with all our dependencies, does your Lordship mean to say that the ablest talented gentlemen are selected for those offices; and if that has not been the case, how can you expect that this Government would in future do better for India than they have done for the other possessions of the Crown?—I do not object to giving the Council of India a negative upon the appointment of the Governor-general and Governors. I think it probable that there may occur occasionally cases where the Government may be so pressed to appoint a particular person, whose appointment it may not think expedient, and where it may be glad to have the interference of the Council in negativing such appointment. All I desire is to frame such a system as will bring the most able men into the public service.

2355. Is not the reason which your Lordship has just given, a reason why the Court of Directors should be reserved as a check against any possible abuse of the power of the Crown?—I propose a better Court in the place of the Court of Directors; I do not desire that there should be no check over the power of the President of the Board of Control; on the contrary, I should be glad to see a check imposed.

2356. Viscount *Jocelyn.*] Your Lordship said that you had a doubt in your own mind whether you would give the Council that you propose the power of recall?—I certainly would not give them the power of recall; it is a matter of very great importance as affecting the position of the Governor-general of India, that they should not have that power; and more especially is it important in reference to one point, which I think has never been at all considered, viz., the relation of the Governor-general to the native States. It is not merely the recall of the Governor-general, but it is the expectation of his recall that does the public mischief. I may distinctly mention to the Committee that I know that the expectation of my recall led to the resistance of the Government of Gwalior to the reasonable demands that I made, and the war which followed; we had information to that effect from the Court of Gwalior.

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Martis, 22° die Junii, 1852.

MEMBERS PRESENT:

Mr. Baring.	Sir R. H. Inglis.
Lord John Russell.	Sir James Graham.
Mr. Herries.	Mr. Baillie.
Mr. Hardinge.	Viscount Mahon.
Mr. Plowden.	Mr. Spooner.
Sir James Hogg.	Mr. Cobden.
Mr. Hume.	Mr. Wilson.
Mr. Cardwell.	Mr. Mangles.

THOMAS BARING, ESQ., IN THE CHAIR.

Lieutenant-General the Right Honourable Viscount *Hardinge*, G.C.B., attending by permission of the House of Peers; Examined.

2357. *Chairman.*] WILL you state to the Committee the period during which you filled the situation of Governor-general of India?—I landed in Calcutta in July 1844, and I left Calcutta in January 1848, comprising about a period of three years and a half that I was in India.

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2358. Before asking your opinion of the details of the present mode of the Government of India, will your Lordship state your general views as to the efficiency of the last Act of 1833, for insuring a proper system of government in India?—My opinion is, that that Act has been a very successful one in insuring good government in India, and in fulfilling the intentions of the Home Government, as far as they have been announced to the Governor-general; and also in promoting the welfare of the people of India.

2359. Do you consider that the delay which takes place in the present mode of conducting the correspondence between the Government at home and the Government in India is productive of practical injury to the service?—I consider that the correspondence which comes home is very necessary for conducting the Government of India well and regularly; in a distant empire like that of India it is absolutely necessary, whilst the power of the Government is maintained firmly before the people of India, that on the other hand all the actions and conduct of the Governor-general, and his Council, and every individual in office in India, should be clearly known to the authorities at home; in fact, there should be in the conduct of the Government of India all the advantages of an absolute government, as regards the appearance of decision and promptitude before the people, and at the same time a responsible Government in relation to the Government at home.

2360. You do not consider that the delay which is necessary for the reference at home, and the communication between the two authorities, the Board of Control and the Court of Directors, has been productive of any serious injury to the Government of India?—I do not; I think the rapidity of communication has amply compensated for that delay. Probably by internal arrangements some of

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that correspondence might be curtailed; but upon the whole, I should say, that a full correspondence, and a full disclosure of all the acts of the Government, is absolutely necessary.

2361. What is your opinion of the composition of the Council of the Governor-general; it has been suggested that it would be desirable to add to that Council a civil servant from each of the two Presidencies of Bombay and Madras; do you concur in such a recommendation?—I think that that proposition is very doubtful. My opinion is, that it is more plausible than substantial. I should say, from my short experience at the Council Board, Calcutta, of about 14 or 15 months, nineteen-twentieths of the business that was done at the Council was general business, relating to the empire at large, and not business relating to Madras or Bombay; and if that proposition were carried out, we should have two members of the Board strangers to the Bengal system, and nineteen-twentieths of the business that they transacted would be general business of which they would have no experience, and, therefore, we should have, in fact, very little benefit from their attendance. Then there would be five members of Council instead of three. There would be a necessity, on the part of the Governor-general, to have the concurrence of five members instead of three; there would be greater difficulty in carrying on the duties of the Government with rapidity, inasmuch as all the boxes, which are very numerous, of papers in circulation would require three or four days more before they came back to the secretaries, where they were to be acted upon; and, as I observed before, we should not have any very great advantage from those two members of Council, because, in fact, the Governor-general in Council, in Calcutta, very seldom interferes with the internal arrangements of the Madras and Bombay Governments; he does so in finance when an expenditure in money is required, and in Legislative Acts, but in revenue, police, or judicial matters, he seldom, if ever, interferes. I would add, that in general, all the questions that come from the minor Presidencies before the Supreme Government originate with the two minor Governments themselves, and scarcely ever are they questions which arise in the Supreme Government; and upon the whole, I should say, that although I should be very glad to see the civil servants of those two Presidencies have a larger proportion of the rewards of the service, that is, those of the Council, still it appears to me that it would create an impediment rather than a facility in the way of transacting the business. If we had this joint council, it would not be so advantageous as the present system of having three members of Council. Five members would impede rather than advance us.

2362. Do you think it desirable to retain the Legislative Member of Council on the present footing?—That very much depends upon what is the intention of the Home Government with regard to the laws of the country; for instance, if the Law Commission is to be retained, and the objects to be attained by the Law Commission are to be carried into effect, I should say that the Legislative Member of Council would be useful. If you have not a Legislative Member, you must alter the position of the Advocate-general, and make him an officer of the Government more directly than he is now. At present, he has private practice in the courts of Calcutta; but if he were a member of the Government, he must, I should suppose, be divested of that private employment; and if he is a lawyer of high repute, you must give him a considerable salary, and I do not see that there would be much saved in altering the position of the Legislative Member of Council, and appointing the Advocate-general in his stead. My own conclusion is, that there would not be much advantage in it; on the contrary, I think it would be better to leave the matter as it is.

2363. Would you vest the nomination to seats in the Council in the hands of the Governor-General, or leave it as it is at present with the Court of Directors?—I should say that the Governor-general would in some cases make the selection more conveniently than the Court of Directors; for instance, in regard to the Punjaub, whatever the administration might be, the Governor-general being at Calcutta, it would be very desirable that one member of Council should be very conversant with matters relating to the Punjaub 1,200 miles off, the future interests of which must be of great importance for some years to come. He should be such a man as Sir Henry Lawrence, or Mr. John Lawrence, or Sir Henry Elliot, men who know everything connected with the Punjaub. If there was to be a new Governor-General who had no adviser of that description in the Council, inconvenience would arise. Then again the persons appointed to fill up those vacancies would be more or less useful in proportion as they were selected from men of different

different districts under the superintendence of the Supreme Government. Therefore I should say that in such instances it might be advisable that the Governor-general should have the power of appointment. But upon the whole I am of opinion that the powers of the Court of Directors have been by the late Act so much restricted, that it would be more desirable, so long as the Government is carried on in the name of the Company, that the Court of Directors should have the power of appointment as they have at present; and it appears to me that the Court having the power, will exercise it quite as impartially as the Governor-general; the Governor-general would be apt to reward those individuals who had been most useful to him, and whose talents had been brought nearer to his sight, viz. the young men, the secretaries of departments. Members of Council when raised to Council by the Governor-general, might not be so independent as those appointed by the Court of Directors. I think the Court likely to take a wider view, and that they would select men on other considerations, and that consequently it would perhaps satisfy the service better that it should remain in the hands of the Court. My recommendations were attended to, and upon the whole I should prefer leaving it as it is.

2364. Would your Lordship favour the Committee with your opinion as to the most eligible constitution of the Government of the Presidency of Bengal; would you leave it as it is, without a Council, or would you recur to the previous system for the government of that Presidency, or what, if any, change, would you suggest? —I certainly would change the present system of government of that Presidency; there are two alternatives; one to revert to the old system of having the Governor-general in Council to manage the business of Bengal, or to appoint a Lieutenant-governor to perform those duties; of those two modes I should prefer a recurrence to the old system. When I was at Calcutta, Mr. Bird was about to take his departure for England, and I continued him as Deputy-governor of Bengal. When he went away, I undertook the government myself; and for about a year I transacted the business, and all the information that I acquired as to the internal management of an eastern district is derived from what I learned whilst acting as Governor of Bengal. Mr. Halliday was the chief secretary, a very able man; he came to me once a week, and the papers were transacted with him as with any other secretary. I acquired information as Governor of Bengal, which I never should have acquired unless I had undertaken those duties. But on the other hand, they were very onerous, as they were superadded to all the other duties which I had as Governor-general, which in themselves are very heavy. Therefore, I should say the best plan would be to recur to the old system, by which the Governor-general would see the secretary once a week, transact the business, and give his opinion upon what ought to be done, and then transfer it to the other members of Council, so that the business of the Government of Bengal would be sure to be well conducted, first, by the secretary bringing the papers before the Governor-general, and then passing them through the hands of the members of Council. I should prefer this system to the other alternative of having a Deputy or Lieutenant-governor.

2365. That would leave the patronage in the hands of the Governor-general? —I should hope it would, because my opinion is, that in that office it is very desirable that the Governor-general should retain as much patronage in the executive offices as possible. I consider he would become like a private gentleman, a mere cypher, unless the civil servants of the country looked up to him, and it was known that he was the fountain of honour, that he could reward merit, and so forth.

2366. Would your Lordship advise a change of the seat of Government from Calcutta?—I should not. With the prospect of having railways and electric telegraphs, and also looking to the other great consideration, that the present seat of Government is not liable to be attacked, is close to the sea, ready to receive reinforcements, and far removed from those emergencies and crises which will occur in India, such as occurred on the north-western frontier when I was there, the further the Government is kept from these emergencies the better for the tranquillity of India.

2367. Do you think it desirable to increase the executive power of the minor Presidencies independently of the Governor-general in Council, not in a legislative point of view, but in regard to disposing of money, and carrying on undertakings in the interior of the Presidencies?—I have heard of many complaints that have been made that the Supreme Government was in the habit of curtailing very much all

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proposals for new works which came to the Governor-general from the minor Presidencies, and no doubt that was the case. Their expenditure was restricted to 5,000 rupees, or 500 *l.*, but they forget that the same restriction was imposed upon the Governor-general in Council; he could not expend more than 1,000 *l.* on any new work without having the sanction of the Home authorities, therefore they are very nearly upon a par in that respect. I should say that it would be desirable, instead of having a constant intercourse between the minor governments and the Supreme Government in matters of finance, that at the end of the year a budget or estimate should be brought forward of the resources of the year by all the different governments, that then the governor-general should give an opinion of what he thought could fairly be conceded to the Bengal Government, its dependencies, and to the Madras and Bombay Governments; and when that budget was so apportioned to each, then each government should make the most of its means, stating upon what objects of public utility the money was to be expended, much in the same way as the estimates are expended in this country; that would do away with much of the objection which the minor governments now have. We sometimes measure too strictly the claim which the minor government has according to the extent of its resources; frequently I have heard it discussed that Bombay has no excess of revenue above its expenditure, but we must be very cautious in restricting that Presidency on that account; perhaps a parsimonious allowance has been given, when a larger sum ought to have been allowed. For instance, Bombay has a much larger army in proportion to its resources than Madras; being on the frontier towards Scinde, and requiring to have a larger army, it would therefore not be fair to say to that Presidency, You must be curtailed in your expenditure, because you are obliged to have a larger army on account of your frontier, and the troops serving in Scinde and at Aden. In the North-western Provinces it appears as if that Government had a large excess of revenue over expenditure, but that arises in some measure from the expenditure of Agra having nothing to do with the army and political expenses, which are borne by the Supreme Government; the Agra Presidency, of which the accounts are kept separate, has none of the expenses, military and political, to which the other Presidencies are subject.

2368. Would you recommend that the budget to which you have alluded should be referred to the Home authorities for sanction and approval before being adopted?—Yes, I would; now that the communication it so quick, there can be no unnecessary delay.

2369. What time would be required to send home such an estimate, and obtain the approbation of the Home authorities?—I should say that in three or four months the authorities in India might receive an answer.

2370. Would your Lordship recommend that the military and civil services of the three Presidencies should be amalgamated, instead of being as they now are, kept separate?—I would keep them separate, as they are now; the amalgamation to which the question alludes I consider to be quite hopeless, and it would not, in my opinion, work well; it would not be possible to apply it to the three armies, and if you have an army at each of the three Presidencies, then there must be a Commander-in-Chief there; and I would not recommend the Governor and Commander-in-Chief being alone; there ought to be two members of Council to settle any differences between them. There are also political reasons why the three armies had better be kept distinct.

2371. You think it advisable to retain the Council which now exists at the minor Presidencies, and not to appoint a Lieutenant-governor without a Council?—Certainly not.

2372. Will your Lordship state your opinion of the general efficiency of the civil service?—There is no service that I ever met with that, in my opinion, is more efficient, generally speaking, than the civil service of India. I have had a good deal to do with men like Sir Frederick Corry, Sir Henry Elliott, Mr. John Lawrence, and Sir Henry Lawrence, the latter of whom is a military man of great energy and ability. In the financial department the Company have a most able officer in Mr. Dorin; all those men whom I have mentioned, and many others, are as able as any that are to be found in this country, or in any country in Europe, performing their duties with the greatest possible integrity, and with very great ability.

2373. Is the present system of promotion by seniority, in the civil service, objectionable?—I should think, if carried to an extreme, it would be objectionable; but my opinion is, that wherever a clever civilian is found, you ought to promote

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promote that man to the situation for which he is most fitted, as was done in the military service in the case of Major Edwardes. Some other members of the civil service are also men of great promise and very able, such as Mr. Philip Melvill, now at Lahore, and I might mention many others. But it should be part of the system to be acted upon, to consider men who have distinguished themselves by their abilities, and to prefer them to their seniors who may have not so much merit, although in other respects very deserving.

2374. Is there any rule by which seniority is observed?—No. I should say the practice, as now carried on, seems to be a very fair one; generally speaking, gentlemen will have served 25 or 30 years before they are promoted to the Council; and as the Council is the great object of ambition and reward of the civil servant during the whole period he is in India, I consider it of importance that the Government should have the power as it now has to select the best men in the civil service for important offices. There may be some hardship in it. If a young man is appointed, and he is five years a Councillor, which is the usual term, he would retire from the service at an early period of life, and might be in a position as to pecuniary resources which would not be consistent with the service that he had performed; therefore there would be an objection to appoint young men too early to the situation of members of Council, as regards their own interests; but as regards the public, I see no objection whatever to give the preference to merit and talent over seniority.

2375. Must a member of Council necessarily retire after a period of service of five years?—He need not retire from the service of the Court of Directors, but he generally retires from the Council after that period: if he were to remain permanently at the Council it would be an injustice to other men, who are endeavouring to rise to that position.

2376. Do you think that limiting the period for which a man remains in the Council to five years is desirable?—I think, on the whole, it is desirable; you have men who are toiling very hard, from morning till night, in a bad climate, and you must not deprive them of their hope of promotion by keeping the same men in the situation of members of Council. It is very true, that a member of Council may return back to the service; and there was in my time one instance to that effect, but it was, I am sorry to say, necessity of circumstances which forced that gentleman to remain, and not his own will, and no very good service was obtained from him after he so retired from the Council; but there is no objection to a person who has been member in Council continuing in the service, if he wishes it.

2377. What is your opinion as to the scale of remuneration of the civil service; do you think that it is adequate, or that it is too high?—I think that the salaries of the civil servants are well adapted to the nature of the service which they perform, the climate in which they live, and the fair reward which every public servant should have of making some money out of his salary before he retires, for the remainder of his life, to England, and upon which he can exist in ease. I do not think the salaries of the service are more than adequate to fulfil these legitimate objects.

2378. Can you give the Committee any opinion of the success of the course of education at Haileybury, or at Addiscombe?—I can give no opinion as to the course of education at Haileybury, for I have not been able to attend to the system adopted, and if I had I should not be a competent judge of the languages which the young men study there; but as to Addiscombe, my opinion is, after having visited it, that it is an admirable institution, and very well conducted indeed. If I were to form my opinion upon a comparative view between Woolwich and Addiscombe, I should say that perhaps Woolwich was more severe at the present moment; but not on account of the superior qualifications of the young gentlemen, but because the period of probation at Woolwich is nearly double that of the student at Addiscombe. At Woolwich, I should say, the young men are kept nearly a year longer than the Addiscombe student; they are upon a par; and, in point of strictness of examination both institutions have gone quite far enough. I should not recommend any stricter system to be enforced at either of those institutions for military purposes. You would end by excluding from the infantry and cavalry young men of great energy and decision of character, and I think hurt the service.

2379. Does your Lordship, from your experience and knowledge of India, consider any important change desirable in the present system of government of India, or in the relative powers of the Board of Control and the Court of Directors?—

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Directors?—The question seems to have two divisions; first, as regards the Government of India, I should say that the Government has ample power to do all that is necessary for the welfare of the people, and for carrying on the services required by the authorities at home; but I think that there are some points in the last Charter Act that now require to be carefully looked into; for instance, the Governor-general, when he is in Council can, upon all questions of peace and war, and upon executive matters, control his Council; he can carry any proposal that he wishes in the Council, against a majority of his colleagues, upon those matters; but if the question in Council is one relating to a Legislative Act, there is an anomaly which is not very easy to understand. When in a minority he is obliged to give way, even if the act of legislation should be most dangerous, in his opinion, to the interests of India. He would have no power to stop a liberal majority of colleagues from extending the liberty of the press, unless the Governor-general were to go away from Calcutta before the passing of the Act came to the vote; and the curious anomaly is this, that when he is absent from the Council he has the power of putting a veto upon the proceedings, but not when present in Council with his colleagues. He is therefore in this position, that if he is in Council, and an Act is to be passed and he is left in a minority, he is obliged by law to let that Act be passed in spite of his opinion; but if absent from his Council, he can by his veto supersede all that has been done, and put a complete stop to this legislation of which he disapproves.

2380. Are not the powers of the Governor-general, when absent from Calcutta, limited by an Act of Council passed before he leaves Calcutta?—That is supposed to be a necessary part of the law. When Lord Auckland and Lord Ellenborough went up the country, they went up by a resolution which defined what powers should devolve upon the Governor-general, and what should devolve upon the President of the Council who remained in Calcutta; but there being some doubt upon the law shortly before I went to India, the question was referred to the law officers of the Crown in England; and the present Attorney-general, Sir Frederick Thesiger, then Solicitor-general gave his opinion that it was necessary that there should be an Act published by the authorities in India, by which the powers given to the Governor-general and the powers given to the President in Council should be defined. When I arrived in India, the answer of the law officer of the Crown was received; it was a new question, and there was much difficulty in carrying it into effect by publishing a law defining the powers between the Governor-general and his Council. When I was going up to the frontiers, I felt a difficulty in having a law passed which had not been required from my predecessors, Lord Auckland and Lord Ellenborough, and I protested against being placed in the predicament of being stripped of all power, and having that power transferred to the President in Council, merely on account of the interpretation of the law given by the law officers of the Crown contrary to former usage, and I therefore informed my colleagues that I could not consent to be placed in a position different from that of my predecessors, by the Council defining what under the law should be my portion of power in going up the country, and which I was to receive from them. I insisted that this mode of proceeding should be inverted, as it had been hitherto, namely, that the Governor-general in Council should reserve to himself the power which was necessary to discharge the duties for which he was going up to the frontier country, and that the residue should devolve upon the President in Council. We therefore came to this conclusion; an Act was passed in Council in order to adhere to the new interpretation of the law, but it was not published; the resolution was published, and I retained the same powers exactly as those which Lord Auckland and Lord Ellenborough had exercised. My colleagues in Council were very prudent men. The difficulty was overcome, because we all acted together in a spirit of conciliation, to do what was right for the public interest. If they had adhered rigidly to the law as recently interpreted by the law officers of the Crown, I should have acted under the old law of 33 Geo. 3, s. 54, and should have left my Council without any Act, the old law being still in force. But after the opinion given by the law officers of the Crown in England, it was expedient to make that change; my colleagues were ready to pass the usual resolution; however, the new law was passed in the Council, but was not published, and a resolution was passed as it is to this hour. This is one of the points which I think requires alteration at the new charter.

2381. Are the Committee to understand that the alteration which your Lordship

ship would recommend, would be that the power of the Governor-general in Council should be explicit to overrule any legislative matters passed in Council, if he thinks fit?—Certainly, if the Governor-general had colleagues who chose to carry any particular law of their own authority; for instance, a law enlarging still more the liberty of the press, or anything else that the Governor-general thought dangerous to the safety of India, he should have the power when present in Council of preventing such law from coming into force; if he goes away from Calcutta he has that power and can interpose his authority. His protest would prevent the Act from passing into law.

2382. Would your Lordship recommend any other change in the present Act as to the Government in India?—No, I gave little attention to the Acts of the British Parliament; in fact the business to be transacted was so overwhelming, that though I was up every morning at four o'clock, and worked as hard as I could during the day, I had very little time to consider legal matters, which were not pressed on my attention as an urgent matter of duty. I fear that I should not be able to recommend any alterations worthy of observation to the Committee, further than this, that such anomalies as this which I have just pointed out ought to be remedied in the coming charter; I do not understand why those anomalies should exist.

2383. Lord *J. Russell.*] With respect to a law passed by the Council against the opinion of the Governor-general, would your Lordship recommend that the Governor-general should have the absolute power of overruling the decision of his colleagues, or that the question should be referred Home, and that the Home authorities should decide the question?—The Governor-general cannot prevent his colleagues from referring the question Home; it must go Home; and therefore that would be the natural course: but on a sudden emergency, they might pass a law in spite of the Governor-general's protest, unless he left the seat of Government and sent in his veto, when absent from his Council.

2384. *Chairman.*] Is your Lordship prepared to give any answer to the latter part of my question, which was, whether you would recommend any change in the relation which exists between the Board of Control and the Court of Directors?—I do not know that I could propose any change; but at present it is a mystery not understood by the public why the Board of Control should give an order to the Secret Committee. I believe it is not quite clear whether the Secret Committee can or cannot resist any such order, but I think it might be made more clear, so as to prevent any collision for the future. I recollect an instance in which an officer of very high position and ability in India had written a letter to the President of the Board of Control, in which he had in somewhat indignant terms complained of the Secret Committee, the letter which had come out to him, being signed by the Chairman and Deputy-chairman; this officer felt annoyed, and wrote his letter to the President of the Board of Control. When I heard of it I wrote to him, "I hope you have not sent the letter, for though the order was signed by the Chairman and Deputy-chairman, it in fact came from the President of the Board of Control," with whom this officer was on friendly terms. This officer did not understand the mystery of the President of the Board of Control being, in fact, the Secret Committee; it is however a convenient arrangement.

2385. Have you had an opportunity of judging whether the equitable claims of the servants of the Company for a share of the patronage, as regards cadetships and writerships, are fairly considered in the distribution under the present system?—It is very difficult for any individual to know accurately what proportion of the patronage is conferred by the Court of Directors upon their servants. Six months ago, before I read the discussion in the Court of Proprietors, in which the late Chairman of the Court of Directors explained how much patronage had been given to the military officers of the Company, I should have said that there was not a fair share of the patronage given to the officers of the army, and particularly to the sons of those who were killed in action; but I am now of a different opinion, inasmuch as I am convinced that the officers of the Indian army have as large, if not a larger, share of the patronage than the orphans or the children of the officers of the British army. On the whole, I think that the patronage of the individual members of the Court is very fairly dispensed. The point which I think of some importance is this, that a widow whose husband has been killed in action, if she has a child who is fit to enter the service, should be spared the trouble and humiliation she now experiences in going to the different members of the Court, or in writing to them, before she can obtain an appoint-

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ment for her son. Supposing 20 officers are killed in action, that is an extra number of deaths, increasing in that year the ordinary number of casualties; I would suggest that the appointments arising out of those extra casualties might, by an arrangement among the Directors themselves, be given to the orphans of those who had been killed in action, and in so doing there would be no diminution of the ordinary patronage which the Directors receive, as every vacancy must be filled up by a cadetship. But I must say I think any repartition of the patronage, say a third or a fourth, or whatever the fixed proportion might be, would operate prejudicially to the officers of the Indian army. Upon the whole, I am of opinion that the system had better remain as it is. With regard to that system the individual Directors are very liberal to the sons of officers of the Queen's army who are killed in action, and frequently give them commissions. And the Commander-in-Chief of the Queen's army, on his part, is also very ready to attend to the claims of Indian officers, as I can vouch for. Since I have been in the Ordnance Department I have looked at the list of cadets appointed to Woolwich, and I find on the whole that there are 26 at this moment on the list of cadets who are the sons of Indian officers; by Lord Anglesey 19 had been appointed from 1848 up to the period when he left office, and since I came into office, seven sons or orphans of officers of the Indian army have been appointed to cadetships at Woolwich. So that the Indian army, I should say, receives a very fair proportion of the patronage, not only from its own protectors, the Court of Directors, but from the Commander-in-Chief and the Master-general of the Ordnance. From what I have heard of the demand made by other parties signing a paper to obtain a larger share of the patronage, I should say that the claim advanced is to extend to cases where an officer has more than one son, to obtain appointments for several, as if the whole family had an hereditary claim upon the service. Now we do not act upon that rule in the case of an officer of artillery or engineers, but we make it a rule not to give a commission to more than one son of the same parent, except under peculiar circumstances of merit.

2386. Mr. *Herries.*] Your Lordship was asked a question about the Secret Committee, and you stated a misapprehension which had arisen out of the present mode of communication; in your opinion would it be better and more consonant to the facts of the case if the officer of the Crown, the President of the Board of Control, were to send the orders to India directly in his own name, upon those topics which are especially reserved for what is called the Secret Committee, instead of the present system of commanding as it were a section of the Court of Directors to convert it into an order to be sent in their own name?—So long as the Act of Parliament vests the power of the Government of India by name in the Court of Directors, I consider that all those orders, although proceeding from the President of the Board of Control, ought to be signed by the Chairman and Deputy-chairman, as representing the Court.

2387. No objection occurs to you to the present mode of communication?—I have just now mentioned that from my position of Governor-general, I knew very little of what is the course of proceeding between the President of the Board of Control and the Secret Committee; but I think it would be desirable to come to an arrangement that the Secret Committee might enter a protest in cases where it disagreed with the President of the Board of Control; something of that kind might be done to avoid the anomaly of an authority which might be disputed by the Court of Directors, and which I imagine could not be enforced by the Board of Control; difficulties might occur which could, perhaps, in the new charter be obviated.

2388. Do you imagine that there is at present any power on the part of the Secret Committee to make any objection to, or resist the transmission of orders given by the President of the Board?—I do not know what power the Secret Committee have to resist the orders of the President of the Board of Control; whether they have power to resist or not I am not aware.

2389. Mr. *Hume.*] Is it your opinion that the Secret Committee should have the power of recording their dissent in cases where they are obliged against their own opinion to send forward orders?—I think they should.

2390. In order that it might be known at any future period, if requisite?—Yes; the protest should be secret as the proceedings of the Secret Committee are.

2391. Mr. *Herries.*] In what respect would that be beneficial, supposing the authority is complete on the part of the officer of the Crown?—If the Ministers of the Crown take the responsibility of originating measures which the Chairman

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and Deputy-chairman, and the other senior member of the Secret Committee think would be detrimental to the interests of India, and which, by the Act of Parliament, they are directed to sign, though by the fiction to which I have alluded, the measure is not really taken by them; still as their names are used in the transaction, I think they ought to have the power of entering a protest; what use should be made of that protest afterwards is another affair; it would make the record more complete, though it might be inconvenient if prematurely disclosed.

2392. Sir *J. Hogg.*] As the subjects which come within the range of the Secret Committee are limited by law, does not your Lordship consider it essential that the orders of the Secret Committee should be signed by the Chairman and Deputy-chairman, in order that they may see the despatches, and know that the subject matters are such as are properly within the jurisdiction of the Secret Committee?—Certainly.

2393. Is it not also essential that the Chairman and Deputy-chairman should see the orders with regard to considerations of expenditure and finance?—Certainly.

2394. And generally that they should be acquainted with all and every thing relating to the Government of India, whether the orders emanate from the Court collectively, or from the Secret Committee?—Certainly; I have not a doubt of it; but at the same time a great number of questions which remain for many months, and must remain for many months, unsettled between the President of the Board of Control, the Secret Committee, and the Governor-general, should continue to be transacted in the Secret Committee and not be sent to the Court of Directors. And when complaint is made that measures are carried on for too long a time through the Secret Committee, and not through the Court of Directors, it is not a fair complaint. I think it much better for the Government of India to keep those matters for several months, or even for years, quite secret, according to the nature of the subject.

2395. Your observation applies to the political management of newly conquered territories?—Yes; and even of old territories; such as Oude. One of my last acts in going down from the Upper Provinces to Calcutta was to visit Oude, where I had to admonish the King of Oude for his conduct, and to draw up a minute of the state of affairs in that country. Transactions of this nature had much better remain for some time in the Secret Committee; afterwards they may be divulged to the Court of Directors, as in the case of the Nizam's territory. I believe the whole of the transactions of Oude and the Nizam's territories have been since brought before the Court of Directors.

2396. The very communications you allude to being communications with Native Princes, in fact, come within the terms of the Act of Parliament, which gives the Governor-general in India, or the Secret Committee here, the power of keeping them within the control of the Secret Committee?—Exactly.

2397. The period of disclosing them is a matter of discretion?—Yes, that should rest with the President of the Board of Control, as it does at present.

2398. Lord *J. Russell.*] Have you ever had your attention turned to the various plans which have been suggested for substituting a different authority for the Government of India for that which at present exists; either the authority of the Crown directly, or a Court of Directors differently constituted?—I think the system of double government is much wiser than bringing the Crown more prominently forward.

2399. Have you seen any plan that appeared to your Lordship to be better than the present?—No; I think the present plan is the best.

2400. Viscount *Mahon.*] You stated that you had no practical knowledge of the system of education at Haileybury. What opinion have you formed of the system at Haileybury, by observing the results in the acquirements of the young men educated there, whom you have seen in India?—They are clever when in society, and, like other Englishmen of their age, well-informed; they take their part well in conversation; but the observation generally is, that as regards the learning of the Eastern languages, they would acquire more in one month in India than in six months at Haileybury. Doubts have been entertained whether it would not be a better plan to give them a more European education at Haileybury, and, as regards the Eastern languages, rely upon the facilities which they have in India to acquire those languages, rather than attach so much importance

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as is now given (I speak in ignorance of the system at Haileybury) to the Sanscrit Eastern languages.

2401. What is the practical degree of acquaintance with the Eastern languages of the young men when they come out to India; can they speak the languages?—No; the rudiments which they acquire at Haileybury are useful to them, but then they acquire them after four or five times the study that they would require in picking them up in the country where the language is spoken.

2402. On arriving in the country, are they practically fitted for the first situations that they are called upon to fill?—Yes; they may be considered in the same position as ensigns in the English army. Great care is taken to make them serve their apprenticeship usefully and well in the inferior situations before they rise to higher situations.

2403. Do you think that there could be any improvement in the age at which young men are sent out to India?—No, I think not; after a sound education, the earlier the responsibility begins the more useful the man becomes. I joined my regiment in Canada when I was 14½ years old, and the naval officers enter the service as early; early responsibility, I think, operates beneficially, and I do not attach much importance to keeping young men long at college.

2404. I understand your Lordship's remark to apply to the military and civil services?—Yes, to both.

2405. Mr. *Baillie.*] Do you think that, with a country so absolute in its government as that of India, there is any danger in the existence of a free press?—I am of opinion that a free press may, and sometimes is, dangerous in an eastern country, but I cannot say that it has hitherto produced a bad effect. It has frequently detected improper matters which would not bear the light, and has done, in that respect, some good; but in India there is an English feeling in the European community, to have a newspaper every morning at their breakfast table. A great number of Europeans contribute to those newspapers, and the consequence is that there are frequently very improper and libellous matters contained in those papers, and in that respect it operates, I should say, prejudicially to the general tone of society. In a war, if there was any lengthened struggle, it might be very prejudicial indeed; so much so, that it would be necessary in many instances to suppress the discussion of military operations during the campaign; the number of troops moving up, particularly now that railways are to be established. Officers of the army very frequently write to their friends at the Presidencies, informing them what the operations are; those letters appear in the papers the next day, and would be, in 48 hours, back again in our camp and that of the enemy. Great inconvenience might result in such a case from the liberty of the press; but at the same time, at the present moment, I may say it has done much good in detecting and correcting a good deal of evil; and there are several papers most honourably and ably conducted.

2406. My question had reference principally to the effects that might be produced upon the natives hereafter, considering the great extension of education which is going on in India?—I have no doubt that the press may be, whilst the people is in a state of transition, a dangerous instrument in times of excitement; at the same time I do not think it is so at present, in quiet times.

2407. *Chairman.*] We were told that it was not allowed to officials in India to answer any article which appears in the papers in India?—No, nor is it permitted here to our officers, except on personal affairs. The difficulty is this: if I, as the Governor-general, were attacked, and if I think it very important to deny the accusation, and I have the means of proving how ill-founded the libel is, if I do it in one case in which I disprove the charge, I must do so continuously in other cases, or it will be inferred that the charge is true. As regards officers of the army or civil servants, up to the higher ranks, the Members of Council, and even the Governor-general himself, if they once begin to vindicate their acts there is very great difficulty in not pursuing the same course when the attacks are repeated. Information on any public measure, tending to correct an erroneous impression, or to convey useful knowledge, is resorted to with good effect, and the respectable papers are always ready to give their assistance in circulating it.

2408. You think it would be inconvenient to allow civil servants to answer attacks made upon the Government?—Yes; the publication of reports upon the progress of the civilization of the country, the cultivation of lands, and matters of revenue and excise, are very useful to the officers of the Civil Service; and a great deal of good might be done in that line by publication; an officer of the

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Civil Service goes to an out-station, and has not above two or three Europeans with whom he associates for two or three years. He also associates with the natives; thus isolated, he should be kept informed of all that is passing at a distance, and periodical papers conveying the information and news of the day is almost a necessity.

2409. Is it your opinion that any publication should be submitted to the Government of the Presidency before publication?—Certainly. Mr. Thomasson publishes periodical statements of the revenue, and other matters connected with his Presidency. Those publications are attended with very good effect.

2410. Mr. *Wilson.*] Is it not the case that that portion of the press which is most noted for its libellous character has very little influence?—It has very little influence; but it causes a great deal of annoyance; courts martial are more frequent, and ill blood arises between individuals; for instance, an officer is reprimanded justly by his commanding officer; the commanding officer is attacked in the newspapers. Discipline may be relaxed, if the commanding officer is deficient in moral courage to brave these libels.

2411. But those attacks in the papers in which they are put have been attended with very little practical evil, from the small influence that those papers have?—As regards the Persian newspapers, into which matters of the most importance are translated, many of them go to Afghanistan, and thence to Bokhara; they inform the people of those countries that there is a hope that the British troops may be beaten in an encounter with the Sikhs; or when a misfortune at the Cape is received, it is immediately translated into the Persian language, and it travels into Afghanistan and Bokhara, and Herat; so that the system of allowing a free press extends information very rapidly, not only throughout India, but through the countries adjacent to India; and when railways are established, and education becomes more extensive, it is difficult to say what will be the result of a free press in our Eastern Empire.

2412. But the information in Cape papers and English papers might be translated in the same way; and therefore if the press were restricted in India it would not stop the evil which you apprehend from such information being translated into the languages of the native states?—I do not suppose it would altogether.

2413. Mr. *Hume.*] You have been asked a question respecting the danger of the press in India. Has it come within your knowledge that many abuses, both civil and military, have been noticed indirectly and directly in the newspapers, before those facts came to the knowledge of the official authorities?—I cannot recollect any particular instance at the present moment: misconduct on the part of those in power can be brought to light by the press.

2414. You were asked respecting the communication between the Secret Committee and the Governor-general; is there any correspondence direct between the President of the Board and the Governor-general?—There is; the Governor-general communicates confidentially and freely with the President of the Board of Control; he also communicates as a matter of courtesy, and in a friendly manner, with the Chairs; but I should say that such correspondence merely relates to matters which are official, and which appear in another shape; it is rather a digest of what has passed between the monthly mails. I used to communicate with my Honourable Friend at this table, as Chairman, giving my opinion on public matters, or any anecdote of the day that was passing; but it was not of that importance which could influence the result and policy of measures adopted either one way or the other.

2415. Are the communications from the Secret Committee the orders which are acted upon, and is the correspondence between the President of the Board and the Governor-general rather in the nature of comment upon the orders which are given, or upon the mode in which they have been carried out?—Yes; the correspondence is a general digest of the most interesting topics of the day.

2416. Did you, as Governor-general, consider it necessary to have the orders of the President of the Board through the Secret Committee on any matter of importance?—Of course; it is the only channel through which an official order can come, on matters of political importance. I believe the whole of the acts of the Government of India during the time I was there, can be traced distinctly, fully, and thoroughly by the orders which I received through the Secret Committee.

2417. Are you aware whether there is any record of any objection or protest, or difference of opinion that may have arisen between the Chairs and the President of the Board who ordered you?—That point is one I cannot speak to; as

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regards the Home Government, I have very little information, from not having been, like Lord Ellenborough, President of the Board of Control.

2418. Lord *J. Russell.*] Has it ever occurred to your Lordship to remark, that men who have been distinguished as civil and military servants of the Company in India, and who would have been very useful as members of the Court of Directors, have declined or been unwilling to become members of that Court, owing to the difficulties of the canvass or the solicitation which it would have been necessary to go through?—I should think such cases were numerous; it is a very great toil; it is six or seven years before a gentleman can succeed; and hope deferred is so unpleasant, that they abandon and give it up altogether.

2419. Do you think any improvement could be made in that respect, by which a man who was distinguished in the service in India, on coming home from India, might very soon become a member of the Court of Directors?—You might, perhaps, declare that for two members elected by the Court of Proprietors under the present system, one director might be put in by the Court itself, taken from the Indian Service.

2420. You think, in that way, men who would otherwise not seek to be Members of the Court, or who would not obtain an election for many years, might be introduced into the Court, and be of service to the public?—Yes, if it were the case that the Chairman and Deputy-chairman of the Court of Directors elected men who came home from India with very high qualifications for the situation, which they undoubtedly would do.

2421. *Chairman.*] Would you require any particular qualification on the part of those persons who were so elected as regards any particular length of service?—I should say that any man who had been a member of Council, or who had gained a high reputation from his service in India, would be a fit man to introduce into the Court; but at the same time, I do not think it would be advantageous to have the Court of Directors filled with men who had served in India. I think a body of persons solely impressed with Indian views would not administer the Government of India so well as the present Court of Directors. I should say that there ought to be in the Court men who have been connected with naval and mercantile pursuits, with banking and financial pursuits; in fact, that there ought to be in a Court of that description such a fusion of European feelings and talent, as well as Indian feelings and talent, as would not make it too Indian.

2422. Mr. *Hume.*] That is, very much as it exists at present?—Yes.

2423. Lord *J. Russell.*] But there does exist that objection which I have pointed out?—Yes; the difficulty is the reluctance of a gentleman of high qualifications to submit to the toil, and what he would term the degradation of going through all the canvassing to which candidates are now subjected.

2424. You do not think if there was another mode of entering the Court of Directors such as you have suggested, the work and the labour and the responsibility attached to the duties of a member, would deter many such persons from wishing to belong to the Court of Directors?—I should think not; being men of very active pursuits while in India, they would be glad not to be idle when they came home, which they now are.

2425. Sir *J. Graham.*] The present system of representation produces, in your opinion, a very competent body, judging from your past experience?—I think it does.

2426. Has your attention been called to the distinction between what is termed the covenanted and uncovenanted service in India?—Not a great deal; my communications were almost entirely with the European part of the community; I should say that you had better adhere to the line which has been adopted of keeping the covenanted servants of the Company to the higher offices as much as possible, restricting the natives to those situations which they fill at present with great ability, and gradually perhaps extending the sphere of their operations; but that should be done with very great caution.

2427. Generally the natives are uncovenanted, and cannot fill the situation of covenanted servants?—Certainly; some Europeans also are amongst the uncovenanted servants.

2428. But no natives are covenanted servants?—No.

2429. That line of demarcation is one that now exists?—Yes.

2430. Do you think, with reference to its operation at the present time and the advancement of natives to the higher offices, it is politic to maintain that line

of demarcation?—I think that at present you should maintain that line of demarcation.

2431. Strictly?—Strictly.

2432. With a view in the first instance to the civil service, and ulteriorly in its effect to the military service?—Certainly; I think it would be extremely dangerous to entrust natives with commissions in the army, in the higher grades; I should deprecate such an attempt.

2433. If you gave way with regard to the civil service, you think the consequence might be that you could not maintain the distinction in the military service?—It might operate in that way.

2434. Its tendency would be in that direction?—Yes.

2435. Mr. *Hume.*] Have you ever considered how far it would be desirable for the Governor-general to have a council of natives of the higher class, which he might consult as to the customs and practices of the Mahometans or Hindoos?—I should doubt the beneficial result of such a system.

2436. During the time that you were in India, did you ever find the want of such a council of natives of the higher class, whom you might consult on matters connected with the customs or practices or religion of the natives?—No; when any Act has been proposed affecting the natives in matters of religion or in matters of succession to property, or any other questions of that kind, which are of great importance to the natives, I have always found that the habit of publishing in the native languages the draft of the legislative Act for three months before it was carried into effect, and receiving all the objections and remonstrances of the natives, was very useful. Such remonstrances are received by the authorities in India with great care and attention. Upon the whole I think that every opportunity is given to the natives to urge their legitimate objections in such cases, and that full weight is given to those objections, and I had rather not have a native Council entitled to make official protests.

2437. Sir *J. Hogg.*] By "circulated" you mean published?—Yes.

2438. That publication gives the natives knowledge that such an enactment is about to take place?—Yes.

2439. Sir *R. H. Inglis.*] In your Lordship's judgment there is no objection to the constitution of the body by which the Court of Directors is elected. You have stated that you see no objection to the Court of Directors as now constituted, and you have also stated that you see no objection to the mode in which they administer their patronage; will your Lordship be good enough to state to the Committee whether in your judgment any alteration of the powers of the Court of Directors in any respect should be made in the event of a new Act of Parliament passing for the Government of India?—My opinion is that the restrictions imposed upon the Court of Directors are quite sufficient. As I stated in one of my first answers, the powers of the Governor-general in Council are ample to carry on the Government of India; he is very well supported in general by the Court of Directors; at least I found it so; and I think no change in that respect is necessary. When the question was put to me, whether I thought the nomination of the Members of Council should be made by the Court of Directors or by the Governor-general, I leaned to the Court of Directors retaining that power, because I felt that the Court had, by the last charter, many restrictions imposed, and little real power left.

2440. You would therefore continue to the Court of Directors all their existing powers?—Yes.

2441. You spoke of the time that elapsed between the receipt of a despatch from India and the answer being received; and you stated that you thought that about three months was the time occupied?—I said that it might be done in three months in a case of emergency; the passage is about 35 days, and, therefore, allowing 20 days for deliberation, that would be the period occupied, but in four months with ease.

2442. Your Lordship, in that answer, referred to letters sent from Calcutta to London?—Yes.

2443. And *à fortiori* from Bombay to London?—Yes.

2444. Is not 35 days a liberal allowance for the passage, and is not 20 days quite sufficient for deliberation?—I have received an answer from the Board of Control within the time I have specified; within three months very frequently.

2445. Under such circumstances you do not consider that three months is too long

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long an interval to elapse between a despatch or a communication from Calcutta and the receipt of a reply to it in Calcutta?—I think upon various questions of detail which are not very pressing, it would not signify to the Government whether the time occupied was less than three months, or more than three months; but on an emergency, in three months you might expect an answer.

2446. Sir *J. Graham.*] You have given an opinion in favour of the maintenance of the Legislative Councillor; do you think that the present restriction operates well, that he should be present in the Council and yet have no voice except upon legislative questions?—I am of opinion that it operates well, and that advantage results from it; at present he has no vote upon various questions, upon which his opinions as a jurist are often required. He gives that opinion, in general, with great goodwill, without ever expecting that, upon that question, he is to have a vote; in fact, the attendance of a man of talent who is bound to secrecy, who assists us whenever it is necessary, is an advantage to the Council, and I think it better that he should not have a vote on general questions, because one of my objections to having two Members from Madras and Bombay, added to the three ordinary Members of Council, is, that we should occupy nearly twice the time in getting through the boxes in circulation of the business of the day, and if he had a vote he must examine all the papers in circulation; also the Governor-general would have five Members of Council to concur with him, instead of three; and if the Legislative Member were to vote we should have six Members of Council entitled to vote instead of three; therefore, though the Legislative Member of Council should attend the Council, he should, I think, be restricted to voting upon legislative matters, and should not be allowed to vote on civil or political questions.

2447. The result of your experience leads you to the conclusion that the existing arrangement under the statute is not susceptible of improvement with reference to the Legislative Member of Council?—I would not say that it is not susceptible of improvement, for my time was very short. I went up the country 14 or 15 months after being at Calcutta, and I remained on the frontier with the army; but as far as my experience extends my opinion is, that it is useful to have the Legislative Member of Council in the Council-room, whenever he chooses to come there.

2448. It has been suggested that the Advocate-general might supply the place of the Legislative Councillor; looking to his other avocations, do you consider that this substitution for the Legislative Councillor would be advantageous?—You must, in that case, change the position of the Advocate-general altogether; the Advocate-general has a private practice in the Courts which would clash with his duties in the public service; he would not always be forthcoming when wanted. It would, I think, be better to leave matters as they are; there would be a very small saving by abolishing one office and consolidating the duties of the two into one, and I should say that it would not act so well as the present system; there might be a little economy, but nothing more.

2449. Sir *J. Hogg.*] Your Lordship has stated a reason for thinking it expedient and useful that the fourth Member of Council should be present at all discussions in the Council. Is it your opinion that his presence upon all occasions, and more particularly in reference to the general judicial and revenue administration of the country, is advisable to enable him to discharge his duties of legislating on those very subject matters?—I have no doubt that the value of his opinion, when we have to ask him questions in his legislative capacity, is very much greater from his having been present and heard the discussions on revenue and on political matters, or any other matters that come before the Council.

2450. The necessity of legislation generally arises from some subject-matter of difficulty in the Council?—Yes.

2451. And his presence enabling him to hear the difficulty discussed, facilitates his remedying it by legislation?—It saves a great deal of time, and he is much better informed on the subjects when he comes to be consulted upon them.

2452. In fact, he could not be generally informed upon subjects on which he was to legislate, unless he sat in the Council?—I would not say that; but he would not be so well informed.

2453. Mr. *Herries.*] Has your Lordship considered whether it would be desirable that the Governors of the subordinate Presidencies should be chosen from the Civil Service of the Company?—I should say that, in the case of such eminent men as Sir Thomas Munro, Mr. Mountstuart Elphinstone, and Sir John Malcolm,

it was a very great advantage to have that description of person as Governor; but as the country advances in civilization, I should say that there was an advantage in having men who had been in the public service in this country sent out as Governors. I think a fusion of British feelings and British habits and character is, moreover, useful, when you consider that those gentlemen who rise to very great eminence in India, are entirely bred up from the age of 17 to regard everything under an Eastern aspect; and therefore there is an advantage in selecting the Governors more frequently from Europe.

2454. *Chairman.*] It has been suggested that it would be desirable to attach to the Governor, a gentleman from England, in a capacity similar to that of Under Secretary of State in this country; a gentleman who had obtained some experience or parliamentary standing, or who had acquired some reputation; it has been thought that that would be desirable as an aid to the Governor-general, as well as a school for statesmen for the future conduct of Indian affairs; in what light would that strike your Lordship?—I should say that it would be better for a young statesman to go at once to India (which he can do now, and return in eight or 12 months), travelling through the interior of the country, up to the Indus, and returning by Scinde and Bombay; and having once made a personal observation of the country, I should say that he would do better when he returned to remain in the pursuit of his statesman's avocations in England, say in the Board of Control, than remain in India during the time that the Governor-general stays; the Governor-general has his secretaries, and the proposed training of one or two young statesmen for five years would be of very doubtful issue.

2455. Such an officer would be of no considerable use to the Governor-general?—No, I think not; the Governor-general has his private secretary, who is selected by him. I do not think the Governor-general would like to take anybody to assist him confidentially in the transaction of business unless he had some interest in the individual. I do not see that any advantage would arise from the adoption of such a plan, but the proposal is new to me; I never heard of it before.

2456. Sir *J. Graham.*] Do you think that there is any advantage in a strict adherence to the appointment of civil officers to the Civil Service, or do you think that the door might be opened more widely by appointing a larger proportion of military officers than at present to the Civil Service?—I think that at present the army have a very fair proportion, indeed a very large proportion, of the civil appointments. In all newly conquered countries there is a very great advantage in having an active, clever, energetic military officer, who has previously obtained information in the management of civil affairs in India; for instance, Sir Henry Lawrence was a captain of Artillery. I appointed him as political agent in the North-western provinces at Lahore; he was there conducting the affairs of that country with great ability; and with regard to his brother, Mr. John Lawrence, I met him in Agra, and after some conversation with him, I found him clear and concise, and I oberved to the political secretary, if we have any important office of a civil character in which we require the services of an able man, this is the man that ought to be appointed. Mr. John Lawrence is equally eminent with his brother; it is difficult to say which is the best qualified of the two for a newly conquered country. The advantages of having a military man, well informed on civil matters, would preponderate; but, on the other hand, it is impossible to find an abler man than Mr. John Lawrence.

2457. Then the Governor-general exercises a discretion in appointing either military men or civil servants to civil situations?—Yes, he does. Sir William Nott and Sir George Pollock were sent to Lucknow, by Lord Ellenborough. Shortly afterwards I sent Colonel Richmond to Lucknow, when Sir G. Pollock came into Council, and afterwards I sent Mr. Davidson, the secretary to the Government, and thence to Nagpoor. There is no rule which fetters the discretion of the Governor-general in that respect; he has the most unlimited power: the Court of Directors never question the manner in which he exercises his authority; in fact, he is supported by them. The Civil Service may sometimes complain, but in general they do not; and I think the system works well and with harmony between the two services.

2458. Though the division is generally maintained, it is not so inflexible that it does not bend to the necessity of particular cases?—Certainly not.

2459. On the whole, as it stands, you think it ought to be maintained?—Yes; the only objection to increasing the number of military officers who are employed

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in the Civil Service is, that the native regiments become weakened; but the mode in which the selections are made is, I think, advantageous to the general welfare of the country.

2460. Sir *J. Hogg.*] I believe, for all political appointments throughout the whole of India, the Governor-general may select any servant, either civil or military?—Certainly.

2461. And for all civil appointments in the new territories or countries not subject to what are called the Regulations, the Governor-general may also select not only for political but for judicial or revenue appointments, any servant, civil or military?—Certainly.

2462. The result has been that the selection from the military servants has been very large, and has acted well for the public service?—Yes, I should say that it has acted very beneficially.

2463. It has been acted upon so extensively as to have induced the Court of Directors to limit the number of officers to be taken from any one regiment, with a view to prevent the regimental efficiency being affected?—That is the only check imposed by the Court of Directors, and it is a very proper one.

2464. Sir *J. Graham.*] Did you find, on all occasions when you chose military officers for civil appointments, that you were backed by the Court of Directors, and not thwarted?—Yes, on all occasions. The great object of the Governor-general, when he goes to India, is to select the best men he can find for the offices he has to bestow in the country. There is nothing like party feeling or political influence known. I had a gentleman on my staff who had been Lord William Bentinck's military secretary and Lord Auckland's; he had been also employed by Lord Ellenborough; he was at the Military Board, which corresponds with our Ordnance Board. When I went up the country, taking with me the officers which were necessary for fulfilling the duties of Governor-general, I took this officer with me; and after he had been with me two years, I found, in some discussion after dinner with my staff, that he was very liberal in his views, approaching to a Radical in this country; upon which I expressed my astonishment, never having heard a word of politics from him during the time we were together. He is now in this country, and well known to the Honourable Member for Ripon: that officer is Colonel Benson. I may say of that officer that he is as able as he is brave in the field, and I cite this instance to show that we know nothing of party politics in India.

2465. Mr. *Wilson.*] Is it not the case, that in Scinde and the North-western Provinces, a large portion of the civil appointments are held by men who are in the army?—Certainly.

2466. Lord *J. Russell.*] Do those officers of the army who are employed in the Civil Service generally remain for some years in the Civil Service, or after some time do they return to their regiments?—They generally work their way up till they are obliged from ill health to retire, or till they have obtained a sufficient fortune to retire to their own country; the civil officer at the end of his service has a pension of 1,000 *l.* a year. It has been supposed that that 1,000 *l.* a year is paid by the Company, and is therefore an expensive arrangement; but that is not the case. Every officer of the Civil Service subscribes annually a certain per-centage on his salary when he enters the service, which forms a superannuation fund. When he has served the regulated period as a civil servant, if he has constantly paid up his subscription to this fund, he is entitled to 1,000 *l.* a year, half of which is paid by the Company, and half out of this superannuation fund.

2467. Mr. *Herries.*] Are there a limited number of pensions?—Yes.

2468. Sir *J. Graham.*] Sir Henry Lawrence, whom you selected for a high civil appointment, if a war were to break out of a formidable kind in India, is not lost to the military service?—Not at all; on the contrary, I consider he would be one of the first men to be selected for any important situation. It is a great point for the Government of India always to have a man who can be used for a double purpose, with great effect, that is, ready for war or administration.

2469. Mr. *Herries.*] A military man so employed in a civil situation continues to rise in military rank?—Yes, he does.

Veneris, 25$_{o}$ die Junii, 1852.

MEMBERS PRESENT.

Mr. Baring.	Sir James Hogg.
Mr. Herries.	Sir R. H. Inglis.
Mr. Cardwell.	Mr. Plowden.
Mr. Mangles.	Mr. Hume.
Mr. Bankes.	Mr. Spooner.
Sir J. E. Tennent.	Lord John Russell.
Mr. Baillie.	Mr. Hildyard.
Mr. Hardinge.	Viscount Mahon.
Mr. Alderman Thompson.	Mr. Cobden.
Mr. Newdegate.	Mr. Gladstone.

THOMAS BARING, Esq., IN THE CHAIR.

James Cosmo Melvill, Esq., called in; and further Examined.

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2470. *Chairman.*] WE have had some evidence as to the distribution of the patronage; and as you fill the office of Secretary of the East India Company, the Committee are desirous of having information from you on various points connected with that evidence. It has been stated to the Committee that not more than one-fifth of the patronage of the Company is given to the sons of officers of the Indian army; do you concur in that statement?—I do not. The Returns show that, of 4,832 cadetships given since 1834, 1,080 have been given to the sons of military officers, and that they have also received 164 civil appointments. I consider, therefore, that I am borne out in the evidence which I gave to the Committee on a former occasion upon this subject. It appears to me that the memorial addressed to the Court of Directors by General Welsh, must have been signed under a total misconception in this respect, and I am confirmed in this opinion by referring to the circular letter which was addressed to the officers who were asked to sign the memorial. In the circular letter it is stated distinctly, that one-eighth only of the cadetships have gone to the sons of military officers, that would have been equal to 600 cadetships instead of 1,080. The Committee will observe, that these statements only refer to sons; they make no reference to nephews, grandsons and other relations of military officers. If those relations were included, the proportions would, I apprehend, be much larger than I have stated.

2471. Several cases of alleged hardship or disappointment on the part of applicants for patronage have been mentioned, amounting in the whole to 16; have you anything to say upon such cases in general?—Perhaps the Committee will allow me to make one general observation. There are, I understand, 16 cases of hardship adduced. It was never pretended that all claims that might be preferred on behalf of the Company's servants to appointments could be met. It is, I believe, generally admitted that there must be many cases of disappointments, and I confess it is to me matter for agreeable surprise to find that any officer inquiring for cases of this description, with a view to support a plan of his own, should be able to adduce only 16 cases; and it appears to me, when we consider the extent of the Indian army, and the important services in which it has been engaged during the last few years, that the very small number of cases adduced goes far to prove that the claims of this branch of the service have been liberally met.

2472. The first case that was mentioned was that of the widow of Brigadier Wallace, of the Bengal army, who was killed at the head of his brigade; and it was stated that, "wherever his widow could obtain an introduction, or make the commencement of what is called interest, she and her friends exerted themselves in favour of her family unsuccessfully;" have you any observation to make upon that case?—The only observation I have to make upon that case is, that it has been met, and an appointment has been given.

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2473. Do you remember when it was given?—On the 24th of May 1852, an appointment was given by an individual director.

2474. Mr. *Hume.*] You stated that of 4,832 appointments, 1,080 were given to the sons of military officers; were those given by the Court in their collective capacity, or by individual directors?—By individual directors.

2475. *Chairman.*] The next case which was mentioned was the widow of Lieutenant Alexander Stewart, who was killed at his guns. It is stated, that she "applied unsuccessfully to various directors, but that she has since obtained an appointment very lately, and since the present movement commenced;" have you any observation to make upon that case?—I can state that upwards of a year since, before the memorial of General Welsh was ever heard of, an Addiscombe appointment was given; and that Addiscombe appointment was, on the 28th April 1852, exchanged for a direct appointment.

2476. It is stated in the evidence that that might be attributed to the present movement with regard to the distribution of the patronage?—The Addiscombe appointment was given before the movement commenced, and therefore could have no connexion with it.

2477. The third case was also that of an officer killed in action, the case of Colonel Lewis Bruce?—In that case also an appointment has, I understand, been promised.

2478. The next case was the case of Lieutenant-general Samuel Smith, of the Bengal Cavalry; have you any information to offer in that case?—I have to state that, three years ago, an Addiscombe appointment was given to the son of Lieutenant-general Samuel Smith; that he passed through Addiscombe, and proceeded to India, in February last.

2479. It was stated that there were opinions of individual officers of the Indian army of high distinction complaining of the distribution of the patronage, and, among others, Colonel Charles Carmichael was referred to; have you any observation to make upon that?—I understand that Colonel Carmichael applied on behalf of a nephew, the son of the late Mr. David Carmichael Smith, who was a member of the Bengal Civil service; two sons of Mr. Smith have obtained civil appointments in the Company's service, and are now in India.

2480. There was another case mentioned, which probably you cannot give the Committee any information upon, because the name was not mentioned, of a widow who was unsuccessful in her application?—Of course, unless the name is mentioned, I can give no information upon it.

2481. There was the case mentioned of Lieutenant-general Greenstreet having applied for an appointment which was refused, at the same time that an order, with several clasps, was transmitted to him; have you any observations to make upon that case?—General Greenstreet has been 54 years in the Company's service; he fortunately obtained the command of a regiment at a very early period, and was thus enabled to retire to England, where he has been 27 years. He did not apply, so far as I have been able to ascertain, for any appointment till 1848, and then he obtained a promise from the late Sir Archibald Galloway, whose sudden death prevented the fulfilment of that promise. I have heard it stated that General Greenstreet complained in strong terms of incivility. I hope and believe that there must be some mistake in this respect. I myself received, in my official capacity, a letter from General Greenstreet, dated the 12th of November 1849, in which he says: "I believe that, had not the patronage for the year been already promised, my request would have been complied with, several replies to my applications being to that effect." I submit that this is very unlike "abrupt and disgusting treatment."

2482. Mrs. Birch, the wife of Colonel Birch, is stated to have applied unsuccessfully in favour of her son; have you any observations to make upon that case?—Colonel Birch has filled, for many years, one of the highest offices in India, that of Judge Advocate-general, and he is now acting in the situation of military secretary to the Government of India; his wife was the daughter of a director, the late Sir Jeremiah Briant; and no doubt the sudden death of that director deprived the family of their immediate prospect of obtaining an appointment. I have reason to believe, however, that in this case a cadetship would have been given, had not the mother declined it in the hope of obtaining a civil appointment.

2483. Lieutenant-colonel Geddes, of the Bengal Artillery, and a Companion of the Bath, is stated not to have been able to obtain a cadetship for his nephew; has

has that case come before you?—I have not been able to obtain any information relative to that case.

2484. Another officer, Lieutenant-general Hunter, is stated to have solicited various chairmen and directors, "and he could not get an appointment, and from some of them he got rather saucy answers"?—I have not been able to get information upon that case, which, like the preceding, is stated to have been an application for a nephew.

2485. Lieutenant-colonel Budd, of the Madras army, the father of a large family, it is stated, failed in his application for one appointment; has that case come before you?—Yes. I have some information to give to the Committee with respect to Colonel Budd. Colonel Budd, when in this country, though he may have failed to obtain an appointment, succeeded in making a favourable impression upon those in whom the patronage is vested. Two of his sons have been provided for by directors who had no personal acquaintance with the father; one of those sons is not yet 10 years of age. I mention this circumstance to show upon what slight grounds a case is assumed to be one of hardship. With what justice can it be said that a public claim is neglected merely because it is not met many years before the party would be qualified to take an appointment? I hope, in justice to Colonel Budd, that the Committee will allow me further to say that I happen to know that Colonel Budd has written to a director, saying that he, the director, will be glad to hear that Sir James Lushington has promised to give his son a direct appointment in November next; that, like that other director, a sense of public duty alone has influenced Sir James Lushington in bestowing this great favour upon an old officer who has no private interest with him.

2486. The next case that came before the Committee was the case of "Lieutenant-colonel Gregory Jackson, of the Madras army, who likewise had a large family, and was equally unsuccessful, having no interest"?—I have been unable to obtain any information on the subject of that case.

2487. Then a colonel in the Bengal army, Colonel Richmond, is stated to have used every "exertion to get an appointment for a son, but he has failed to do so"?—I have no information with respect to that case; Colonel Richmond for his merits obtained one of the highest appointments in the Indian service.

2488. Can you state anything as regards the case of Mrs. Hunter?—Mrs. Hunter, it seems, has been applying for an appointment for a grandson: Mrs. Hunter is the widow of an officer who was on the staff; she lost a son in the service, and her father had been a colonel in it. The appointment sought therefore was for one of the fourth generation of members of the service. However interesting such a case may be, it surely cannot be adduced to prove that the patronage of India has not been sufficiently directed to meet the claims of the Indian army.

2489. The last case that was mentioned was that of Lieutenant-colonel Bulkeley, who died, "leaving a widow with three or four sons unprovided for; his widow has been unable to obtain a commission for any one of them." Can you give any information upon that case?—I have to say that with respect to Colonel Bulkeley, the only point I have been able to ascertain is, that the disappointment was caused by the death of a friend. The late General Robertson, a director, had promised Colonel Bulkeley a cadetship for his son, and unfortunately died before he had the means of fulfilling his engagement.

2490. The case of Sir Henry Lawrence and his brother has been mentioned; do you know anything regarding them?—I am told that it has been said that Sir Henry Lawrence has a son of 16 years old, for whom he failed to get an appointment. I have ascertained that Sir Henry Lawrence's eldest son was only 13 years old in September last. The name of Mr. John Lawrence has also been mentioned; Mr. John Lawrence's son is in his sixth year. And with respect to Colonel Lawrence, of whom I have heard it said that the writership given to his son was owing to private connexion with the director who gave it, I hold in my hand an extract from the letter of nomination of the late Sir Archibald Galloway, of the son of Colonel Lawrence. To the question which is always put to a nominating director: "Be pleased to state what is your connexion with the family of the petitioner, and what were your inducements for giving this nomination?" Sir Archibald Galloway replied, "The distinguished services of Sir Henry Lawrence, his uncle."

2491. Mr. *Cardwell.*] The Committee are not to understand that in the several

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cases upon which you have been examined, the parties named have themselves appeared as complainants?—No; I understand that their cases have been adduced by others as cases of hardship.

2492. *Chairman.*] It has been stated to the Committee that a paragraph in the newspaper, announcing the appointment of Mr. Stewart on the ground of his father having been killed, came from the India House; do you believe that to be the case?—I do not. I am quite sure that it was perfectly unauthorised either by the Court or by the individual director, who at the time the paragraph appeared expressed his disgust at the attempt to parade his disinterested act. This is one of the cases in which it has been suggested that the appointment was given in consequence of the movement which preceded General Welsh's memorial. I have ascertained from the nominating director that he knew nothing of the movement at the time that he gave the appointment.

2493. Will you state what, in your opinion, constitutes a fair public ground upon which claims to appointments should rest?—If by "claim" we are to understand a right to demand an appointment upon the ground of public service, it seems to me that no such right could upon any sound principle be recognised. The cases of families of officers killed in action justly claim sympathy, and always receive attention from those entrusted with the dispensation of the patronage. But with respect to general service, whilst it must be, and is, I believe, universally admitted that the East India Company are most faithfully, ably, and zealously served in India; yet, if upon that ground the officers of the Company were admitted to appointments for their children, you would I think be going far to make the service of India an hereditary tenure.

2494. You state, however, that a large portion of the patronage goes in that direction?—I do, and I rejoice that it is so. But this is the natural consequence of the patronage being largely in the hands of persons whose sympathies from former associations are all with India and the Indian service, and I think that the servants of the company have reason to congratulate themselves that the patronage is so placed; they thereby possess an advantage which is a great compensation for any loss of opportunity to which they may be subjected by residing abroad, of making settlements for their children. By the natural impulses to which I have referred, the servants of the Company in India receive a large proportion of the appointments, and that I think will continue to be the case so long as the Court of Directors is constituted as it is at present. To disturb this arrangement, which works now most beneficially for the servants of the Company, and to substitute for it one of distinct allotment of a number of appointments to meet claims would, as it seems to me, be most mischievous, and would have a tendency to show that India was administered, in part at least, for the benefit of the servants of the State. It occurs to me that India is administered, first, for the benefit of India, and then for that of England; and I think the people of England might have reason to complain of any law or rule which appropriated to a particular class, however deserving, any portion of the public patronage. There are cases of frequent occurrence at home which are calculated to excite the sympathies of persons invested with the trust of bestowing the patronage; there are cases of merchants, and lawyers, and clergymen, and physicians which excite sympathy, and I have known many such cases in which the sympathies of individual directors have gone in those channels. One at this moment occurs to me from the name having been this day mentioned: the late Doctor Carmichael, an eminent physician in this town of the last generation, had a large family, and several of his sons, of whom the distinguished officer whose name has been mentioned, Colonel Carmichael, was one, obtained appointments in the civil and military service of India. I venture only to add, that it seems to me that the present mode of distributing the appointments is that best calculated to give to each class its due proportion, at the same time maintaining the efficiency of the public service.

2495. Sir *J. Graham.*] Has not the Court of Directors, in its collective capacity taken frequent precautions from time to time to ensure the pure exercise of the patronage by individual members of the Court?—It has.

2496. Has it not even attempted to investigate the motives of each director in making each appointment?—It has.

2497. With a view to show the Committee the attempt made by the Court to investigate even the motives which have led to an appointment, will you put in the

the documents which embody the statements made by each individual director in the case of civil and military appointments?—These are the forms which are signed by the individual directors.

[*The same were delivered in, and are as follow:*]

CIVIL.

DECLARATION to be signed by the Nominating Director.

I, , being one of the directors of the East India Company, do declare that I have fully inquired into the character, the connexions, and qualifications of the within petitioner, and that, after seeing and examining the said petitioner, he is, in my opinion, a fit person to petition the East India Company for the appointment which he herein solicits. I therefore recommend this petition; and I do most solemnly declare, upon my honour, that I have given this nomination to the said petitioner, at the recommendation of and that I never have received myself, nor am to receive, nor has any person, to the best of my knowledge or belief, received, nor is to receive, any pecuniary consideration, nor anything convertible, in any mode, into a pecuniary benefit on this account. As witness my hand,

East India House, the day of 184

MILITARY.

Director's Nomination.

I, Esq., being one of the directors of the East India Company, beg leave to present the petitioner as a cadet for on one of my nominations of the season provided he shall appear to you eligible for that station; and I do declare, that from the character given of him by who certifies that he is well acquainted with his family, character, and connexions, he is, in my opinion, a fit person to petition the East India Company for the appointment he now herein solicits.

Recommended to me by , Esq.

Questions to be answered by the Nominating Director.

Question 1. Have you read the examination of nominated by you as a student?

Answer.

Question 2. Do you believe the evidence given by him to be correct?

Answer.

Question 3. Be pleased to state what is your connexion with the family of the petitioner, and what were your inducements for giving this nomination.

Answer.

2498. From time to time, when any reason for suspicion has arisen with regard to the exercise of patronage by the individual directors, have additional precautions been taken to secure purity in the appointments?—They have. In the first place, an investigation has arisen upon the particular case, a committee has been appointed to investigate it, and in some extreme cases which have occurred, but which have been of most rare occurrence, legal prosecutions have been instituted on the part of the Court.

2499. This system of answers to recorded questions has been introduced and enlarged from time to time, by the wisdom of the Court, with a view to render, as far as it is possible, a corrupt nomination difficult, if not impossible?—That is the case.

2500. *Chairman.*] Is not this scrutiny of nominations limited to the question, whether money has been received for such nominations?—It extends also to requiring a statement of the grounds upon which the director gives his appointment; it inquires as to his connexion with the family.

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2501. Sir *J. Graham.*] The recorded answer in Sir Henry Lawrence's case, as to the inducement which operated upon the mind of the director in giving the nomination, was, "the distinguished services of the uncle, Sir Henry Lawrence?" —Yes.

2502. Is that an illustration of the answer frequently given under the head of the inducement operating upon the director in giving the nomination?—It is.

2503. Sir *R. H. Inglis.*] In your first answer to-day, you were understood to state, with reference to a passage in the memorial, that it was not true that one-fifth only of the patronage of the East India Company, in its military department, had been given to the sons of officers; if it should turn out that, instead of the proportion which you subsequently stated, not more than one-fifth was given to the sons of military officers, would that affect any right on the part of the officers of the Indian army which they at present legally enjoy?—No.

2504. Are you aware that in the Queen's service there is no such alleged vested interest in appointments in the army as the memorialists assume to exist in the case of the Indian army?—I am.

2505. If it were extended as far as the memorialists appear to desire to extend it, do you or do you not believe that it would create in the military service of the East India Company, not merely a class, but a caste, enjoying hereditary privileges and rights?—I do. I think it would prove mischievous and injurious to the service itself.

2506. Would it be contrary to the practice in the army in any country with which you are acquainted?—Yes.

2507. And certainly contrary to the practice in the English army?—Certainly.

2508. You have stated the general system upon which the patronage is distributed; that patronage has amounted, according to the return submitted by the East India Company, to the number of 6,000 in the course of the last 20 years; can you state to the Committee what proportion of that number has been tainted with any suspicion of corrupt motives in its distribution; has it amounted to one per cent., or half per cent.?—No. I should say under 20 appointments in the whole time.

2509. And in the case of three of those, perhaps, the Court themselves took judicial means to bring the guilty parties to justice?—They did.

2510. Mr. *Hume.*] Are we to understand you to state, as the result of your intimate acquaintance with the manner in which appointments have been given by members of the Court, that if the patronage were taken from the Court entirely, and vested in the hands of the ministers of the Crown, or any other public body, instead of the Court of Directors, the servants of the Company, civil or military, would not have so good a chance of providing for their families as they have under the present system?—I do not think they would.

2511. Sir *J. Graham.*] You have no share of the patronage yourself?—None whatever.

2512. How long have you observed the exercise of the patronage by the directors of the East India Company, under the existing rule?—I think I may say for 30 years.

2513. And being a disinterested and attentive observer, what is your opinion as to the mode in which that patronage has been exercised; has it been purely exercised in your opinion, and advantageously exercised, with reference to the Indian service?—It has.

2514. Mr. *Herries.*] A doubt has been expressed concerning the power existing in the Board of Control over the Home Treasury, and generally over the operations, at home, of the East India Company; what is your opinion upon that point?—I understand the doubt to arise upon two points; viz. the control of the Home Treasury, and the correspondence with parties in this country. Upon both points the Act of the 3 & 4 Will. 4, gives ample power to the Board of Commissioners. The 25th section gives them absolute power to control all acts affecting the revenue of India; and the construction which has been always put upon that Act, and which I have never before heard questioned, is, that the Board of Commissioners have power to control all acts of the Court of Directors affecting payments from that treasury, and that no such payments can be made without the concurrence of the Board. With respect to the correspondence with parties in this country, the last Act of Parliament placed all such communications precisely upon the footing of despatches proposed to be sent to India; it gave to the Board the power of controlling communications, altering them, and of pointing

out to the Court of Directors the necessity for making such communications; and if the Court failed to make them, of dictating them themselves.

2515. Is the practice in conformity with the Act to which you have referred, and the opinion which you have now expressed?—The practice is quite in conformity with it.

2516. Sir *J. Graham.*] Let us try it by a case. If the Court of Directors wished to contract for iron steamers of war for the Indian naval service, and the President of the Board of Control was of opinion that wooden steamers, and not iron, were alone applicable for the purposes of war, under the Act as it now stands has the President of the Board of Control, under the existing machinery, the power of reversing the decision of the Court of Directors, and ordering wooden steamers instead of iron steamers?—He has.

2517. *Chairman.*] If there was an indisposition on the part of the Court of Directors to build any steam-boats at all, could the Board of Control order steam-boats to be built?—The Board of Control could write to the Court of Directors a suggestion, founding their suggestion upon some communication from India of the expediency of building steamers in this country, and requesting that they would prepare an official order upon the subject. If the Court of Directors sent such an order to the Board of Commissioners, the Board could alter it; and if the Court did not within 14 days send such an order, the Board of Commissioners could dictate one themselves.

2518. Sir *J. Hogg.*] The 37th section of the Act requires the Court to submit to the Board an estimate of the salaries and other expenses of the home establishment; is that estimate submitted annually?—It is in accordance with an understanding which the Court had with the Board at the commencement of the new system.

2519. What occasioned that understanding?—It was occasioned by the large amount of the establishment, and its mixed character, consequent upon the commercial operations of the Company; it took some years to wind up those operations, the consequence of which was, that we had a large body of servants, either wholly commercial or of a mixed character; and while that continued to be the case it was found to be impracticable to frame an estimate applicable to the whole period, and consequently it was arranged that the estimate should be submitted annually, and that continues to be the case.

2520. Mr. *Hardinge.*] With regard to the patronage, do you know the circumstances connected with Sir George Pollock receiving a civil appointment for his son; was it not an appointment given him on public grounds?—I have no doubt the appointment was given on public grounds, by an individual director, and I am not acquainted with the circumstances.

2521. Mr. *Bankes.*] In the answer you gave with regard to the power of the Board of Control, you said that the power of the Board in the particular instance of which you spoke must be grounded upon a communication from India; will you explain that answer?—I imagine that all knowledge of what is required for the service in India must be derived from communications from the Government of India.

2522. Sir *J. Hogg.*] The law does not require that the President of the Board, in making a communication to the Court of Directors suggesting a subject for their consideration, should state any specific reasons for making that communication, although usage and common sense, of course, suggest that communication must come from India?—That is the case; it would be necessary that he should state that it was for the service of India.

2523. Sir *J. Graham.*] Recurring to the case of the Indian navy, with reference to the existing number of steamers in India, if the President of the Board of Control desired an additional force of steamers to the Indian navy, could he originate that question?—I think he could. He would state to the Court of Directors, in a letter, with reference to the state of India and to the strength of the Indian navy, that it appeared to the Board to be desirable that an additional force should be provided; and he would request the Court of Directors to consider the subject and prepare the draft of a communication upon it.

2524. And that is done upon a previous communication from India to the Board of Control?—I do not think that the law would require such previous communication. I speak of the practice rather than the law.

2525. As the law stands, you think the President may originate the question?—I think he may.

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2526. If the Court do not adopt the view of the President of the Board, which is not very probable, but which is possible, has the President of the Board of Control power to give effect to his opinion as the law now stands?—He has.

2527. Lord *J. Russell.*] Did you ever hear that any legal authority entertained a doubt upon that subject?—No. A doubt arose, some years since, as to the power of the Secret Committee, when some steamers were provided, and that doubt was removed by the opinion of the Company's law adviser, that the expenditure was perfectly legal.

MINUTES OF EVIDENCE.

Jovis, 5° die Maii, 1853.

MEMBERS PRESENT.

Mr. Baring.	Mr. Lowe.
Sir George Grey.	Mr. Hardinge.
Mr. Cobden.	Mr. Labouchere.
Mr. Ellice.	Sir T. H. Maddock.
Sir James W. Hogg.	Mr. J. Fitzgerald.
Mr. Hume.	Mr. Mangles.
Mr. Vernon Smith.	Mr. R. H. Clive.
Mr. Spooner.	Mr. Elliot.
Sir Charles Wood.	Mr. Hildyard.

THOMAS BARING, Esq. IN THE CHAIR.

Jevanjee Pestonjee, Esq., called in; and further Examined.

J. Pestonjee, Esq.

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3897. *Chairman.*] IS there anything you wish to add to the evidence which you gave to the Committee on a former day?—I wish to add something to my answer to the question upon the former day, "Is not the civil fund created by deduction from the salaries of civil servants?" My reply was in the affirmative; I was aware that such a fund existed, but I was not prepared to say that it received the support of the East India Company. Since that, I have found from the Blue Book, under the head of "Charges," an aggregate amount of 2,164,737 rupees as a donation to the Service Fund; I likewise find in the "Bengal Annual Guide" for 1841 a statement of the Civil Annuity Fund, wherein, under the head of "Receipts," an item of 332,161 rupees is credited as the Honourable Court's donation for the year 1839-40, which appears equal to the amount subscribed by the service to that fund; another donation of 25,000 rupees was granted to the Widows' Fund. While that branch of the service is thus provided for, the widows and children of the native servants are, as I have already mentioned, without any provision, although a fund for that purpose was established under the special patronage of the late Mr. Francis Warden, of the civil service, and subscribed to by the natives, which was abolished by Government in 1832; consequently many families of the native service are in a state of destitution. And in order to convince you of the truth of my statement, I beg to be permitted to give you an instance of a severe hardship which, when heard, the heart of every human being will, I trust, not fail to sympathise with me for the unfortunate widow and family of a very respectable, intelligent, zealous, and trustworthy public officer, who expended 20 of the best years of his life in the Government service; I allude to the case of the late Bazonjee Pallonjee, cotwal or city magistrate of Surat, who died between two and three years ago; the deceased had received testimonials from every gentleman of the service under whom he acted, which were the only legacies he could bequeath to his widow and children. I would quote a few words of the opinion of Mr. Bellasis, under whom the last period of his career was ended, of the character of the deceased. He states, "During my Indian experience I have never met with any native functionary in whom I would have reposed so much confidence as I would in Bazonjee Pallonjee, and I never found my confidence misplaced;

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his words may be depended upon." He continues: "By his death the State lost the service of a valuable and efficient public officer." I now beg your attention to the case of his poor widow and family, of whom two are infants; she represented her destitute case through the magistrate to the Bombay Government, who recommended her to be admitted to the Pension Fund, to which she and her children were entitled, because her husband subscribed to the Warden's Official Fund up to the time of its abolition; Government sanctioned it, but it was afterwards discovered that that sanction was made against the authority of the Court of Directors, and the order for the pension was unfortunately cancelled; but in consideration of the long service and the high character which the deceased bore, an offer of 50*l.* was made to the widow as a gratuity, equal in amount to about 10 weeks' salary of the deceased. If the pension were allowed, she would have been entitled to an annuity of 4*s.* per week, and the two infants, during their minority, about 3*s.* 6*d.* each. This miserable sum even was refused, and the family are now in such a deplorable state that their case calls for immediate relief and sympathy. Under such circumstances of discouragement, the higher classes of natives are unwilling to enter the Government service.

3898. Sir *T. H. Maddock.*] Are the Acts which you have alluded to Acts of the Bombay Presidency?—Of the Bombay Presidency. With respect to the expenses of litigation in the courts, I have another grievance to mention to the Committee. Parties engaged in civil suits are obliged to undergo heavy expenses for stamped papers. The revenue derived under this head to the Government is to a very large amount; every plaint in the original suit, and petitions to both courts of appeal, are required to be written upon stamped paper, of certain value, from 1 to 2,000 rupees, according to a certain scale, regulated by the amount of the suits; besides all supplementary sheets annexed to the plaints or petitions of appeal, all pleadings, exhibits, durkhast, powers of attorney, and all papers or documents, in any way relating to the suit, are not admitted in the court unless they are upon stamped paper, of the value varying from four annas to four rupees. It will be found on reference to the scale of charges in a suit, where the claim is from 25 to 6,000 rupees, the cost of only a single sheet in the first instance, exclusive of all other stamps required to continue the proceedings, is from 4 to 10 ½ per cent., which, when the case is carried for appeal to the Sudder Court, increases to from 10 to 32 per cent.

3899. *Chairman.*] If that stamp tax were taken off, would not it involve the necessity of some other tax being imposed?—Yes, I think so, but in suits to a small amount of value, people are subject to from 20 to 25 per cent. upon a single paper, and that is a great hardship; I think that that at least should be abolished.

3900. Sir *T. H. Maddock.*] If you were to abolish that tax, do you think it would be practicable to introduce a system of making the losing party in a suit, pay a certain sum, whether it were the plaintiff or defendant to the suit?—It might answer the purpose, and probably would prevent the people going into court.

3901. It would prevent them going into court on false and frivolous grounds?—Yes, probably.

3902. Mr. *Fitzgerald.*] Do you mean that a sum of money should be paid by the losing party to the Government?—To the revenue; I think if a different tax could be substituted it would be desirable.

3903. Would not you consider the sum so to be paid by the losing party, in the light of a tax on the administration of justice?—It would be; but I think if supernumerary offices and sinecures were abolished there would be no necessity for the substitution of any other taxes whatever.

3904. You would not approve of a tax on the administration of justice?—No.

3905. Sir *T. H. Maddock.*] Such a tax you consider would limit litigation?—Yes.

3906. *Chairman.*] Have you anything further to add to your former evidence?—On turning to the Acts of the Legislative Council, I have already pointed out to the Committee what grievance the natives suffer by the operation of the Act 21, of 1850. I now respectfully beg to refer to Act 15, of 1844. It was hurried into a law in order, as it was stated in its preamble, to equalise the average price of salt in the presidency of Fort St. George and Bombay. The excise duty was suddenly increased from eight annas to one rupee, equal to 100 per cent. more

than

than what was already imposed in 1838. The people were unable to bear the burden of the increased tax on one of the necessaries of life, and became so dissatisfied that, in the city of Surat, they marked their sense of their oppression by closing their shops, which put an entire stop to business; and for some days the inhabitants were in tumult. Under these circumstances, the Government was obliged to suspend the operations of that Act, and in the following year it was repealed by Act 9, and the duty was partially reduced to 2 annas per maund, which was still burdensome. The right and interest of landed proprietors in the Bombay Presidency have been seriously affected by the operations of the Act 31, of 1850, which prohibits the construction of works for the manufacture of salt on their estate; they are thus subjected to loss, and deprived of the means of making their waste lands productive. With respect to the Legislative Council, I would respectfully suggest, that it should be formed upon a different principle altogether. When any Act is required to be passed into a law, it always originates with the Government of that Presidency to which it relates, consequently it is apparent that the Legislative Council of India is not the initiative power for framing any law which does not relate to the sister Presidencies. It would be most advantageous to the people if a legislative body were constituted at each of the Presidencies, consisting of the Governor and his Council, the chief justice of Her Majesty's Supreme Court, the senior judge of the Sudder Dewanny Adawlut, and three respectable native gentlemen, selected and appointed by the Government. They should be empowered to meet periodically to form laws and regulations, and discuss the same with open doors, to hear the public by their counsel in case they have any objection to the passing of such laws, and after mature deliberation they should submit such draft, if approved by the majority of the members, to the Supreme Legislative Council of India for their approval, which Council should consist of the Governor-general of India and his Council, the chief justice of Her Majesty's Supreme Court, the chief justice of the Sudder Dewanny Adawlut, and three respectable native gentlemen, appointed by the Government. That Council should also discuss and deliberate upon all matters with open doors, and they should have the power of confirming or repealing any law, in the same manner that the Upper House of Parliament has in this country. If the Governor-general may dissent from the opinion of the majority of the Council, he should be empowered upon his own responsibility to suspend any Act till reference be made to the governing authority in this country for their final decision.

3907. Mr. *Hume.*] Have you any knowledge of the Hindoo law of adoption, and in what way the right of adoption, when disputed, is settled by the Company's courts?—I have seen many instances in which the law has been administered according to the different books of Hindoo law. If I remember rightly, in failure of regular issue, the party adopts the son of his next of kin, that is, of his brother in the first instance; if the brother has no children, then he adopts the child of his cousin, or next relation.

3908. In what way has that been carried out; has it been generally carried out by the Government, or do you know of instances to the contrary?—I think it is generally carried out; in some instances it has not been so; I believe the present Prince of the Gwalior State is an adopted son; Holkar is an adopted son also.

3909. Do you know any instances in which adoption has been refused?—It was refused in the case of the Rajah of Mandvee, and in the Sattara case.

3910. Among what class of native chiefs?—In Sattara, the prince was independent. The Rajah of Mandvee was dependent.

3911. Can you state what opinion has been formed upon the refusal in the case of Sattara?—Adoption is one of the Hindoo laws, and I think it was unjust that the adopted son of that prince was not recognised.

3912. Sir *T. H. Maddock.*] You stated on the last occasion, that an Act had been passed by the Legislative Council, which is known in India by the name of the Missionary Act; that is, Act 21, of 1850; you say that that gave a great deal of offence to the natives on account of their rights having been taken away by the operation of that Act; you added, that you believed it violated a principle of their religion to an extent which you described; are you aware whether those natives who complained of the passing of that Act and of its operation, ever urged that it was in direct opposition to an Act of Parliament?—I believe they have mentioned that in their petition.

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3913. Are you aware whether the Legislature of India has any power to pass an Act which is in direct violation of any such Act of Parliament?—Not any, and it is I believe mentioned in the last charter that, in framing any law, due regard shall be had to the religion and customs of the country; but this Act was against that particular authority.

3914. You have expressed an opinion that the Legislative Council of India should consist of certain functionaries, and that to those functionaries should be added a certain number of native gentlemen selected by the Government; do you not consider that it would be especially necessary to have such assistance from native gentlemen, when laws are under consideration which directly affect the religion, and the customs, and the interests of the natives, both the gentlemen and the common people of India?—It is quite desirable that they should have a voice in the Legislative Council, and that they should also point out to the authorities in what respect the law militates against their religion and their feelings.

3915. Do the natives of India, as far as you are aware, consider it a special grievance that laws of this description affecting them and their interests, and religion, should be passed merely by a body of Englishmen, without any advice or co-operation on their part?—They consider that it is a violation of the constitution which the British Government established when they conquered the country.

3916. Mr. *Hume.*] In the same answer to which allusion has now been made, you state that the proceedings of the Legislative Council do not give satisfaction to the people of India, because the Acts are passed with closed doors?—Yes.

3917. Are the Committee to understand, that if the legislative proceedings affecting the natives were carried on with open doors, and the parties could be heard in support of their own particular privileges, that would give satisfaction to the natives of India?—I mean that all Acts passed by the Legislative Council of India should be first considered in conference with some of the natives, whether affecting their religion or their property, or the revenue; because where they are paying the revenue, I think they should be consulted as to how the revenue should be expended.

3918. Are the Committee to understand that the natives keep in mind the declaration of the British Parliament, and the declaration of the Company, that they would secure to the natives the continuance of their customs and usages according to the respective laws?—Yes, they consider that the promise which the British Government made to them has been violated by themselves.

3919. If a law or an order is made and published to alter the law of adoption, either as regards Hindoos or Mahomedans, do you consider the natives ought to be heard, or ought to have an opportunity of defending their own practices in some public manner?—Decidedly.

3920. If any such Act is passed with closed doors, it is against such practice that you complain?—I complain of the closing of the doors, and also that when they petition against any grievances the petition is not attended to.

3921. Do you mean to say that petitions have been presented and not attended to?—Yes.

3922. Can you refer to any particular instances of that neglect?—The Act 21, of 1850, is one instance; and I think they petitioned about the salt duty also.

3923. Have they ever presented any petitions in respect of any usages which they have been prevented from following?—Yes, they have.

3924. Do you remember in what cases?—With respect to the violation of their rights and religion.

3925. Sir *T. H. Maddock.*] Has the Government ever passed any law to alter the Hindoo law of adoption?—Act 21, of 1850, was one which particularly affected the natives.

3926. It did not affect the ordinary law of adoption?—No.

3927. That Act merely enabled a man who was an outcast Hindoo to succeed to property which could be legally enjoyed only by a pure Hindoo; was not that so?—Yes.

3928. Mr. *Mangles.*] You stated that the Rajah of Sattara was an independent prince; are you aware of the terms of the treaty or engagement under which he was placed on the throne?—I think I am.

3929. You have seen it?—Yes, many years ago.

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3930. Are you aware that by that engagement he is bound not to act in any matter against the advice, or without the advice, of the British Resident at his court?—Yes, there is a particular stipulation on that subject.

3931. Does that look like the position of an independent prince; should you call that man independent who is bound to act in no case without the advice of another?—I spoke of the communications which the prince required to be carried on with any other State, that he should in that case act by the advice of the Company's Government.

3932. Did not it refer to the internal arrangements of his own territories also?—No, I think not.

3933. Was not he bound to correspond with nobody except through the British Government?—I do not remember that.

3934. Mr. *Elliot.*] Do you approve of the abolition of suttees?—Yes.

3935. Do you also approve of the abolition of infanticide?—I do; it was not the Hindoo law; it was merely a usage.

3936. Do you suppose that if any Hindoos had sat in the Legislative Council to enact laws, for the purpose of abolishing those customs, that abolition would have had their concurrence?—I am not aware.

3937. Do you think that any Hindoos sitting in the Legislative Council would have given their consent to the passing of the law for the abolition of suttees?—They might have done so; those who had a knowledge of Hindoo law might have concurred.

3938. Sir *T. H. Maddock.*] Are you aware whether any Hindoo sovereigns have prohibited the practice of suttee in their own dominions, of their own free will?—Almost all of them have prohibited it.

3939. Mr. *Mangles.*] Are you aware whether a much larger body of Hindoos did not petition against the law abolishing suttees than they have against any other bill?—They did petition, but they did it in ignorance of their own law and religion.

3940. Did they not send home an agent and pay that agent to agitate the matter here?—That I am not aware of.

3941. Mr. *Elliot.*] When you say that native princes have abolished the practice of suttee in their own dominions of their own free will, are you not aware that that has been done entirely by the interference of the English Government?—By the English Government, and I believe with the concurrence and the advice of some of the natives too.

3942. Are not you aware that in fact the abolition of suttee among the native states has taken place entirely at the instance, and by the exercise of the mild authority which the Resident possesses in the native courts?—I admit that; but it was with the advice and concurrence of many respectable natives, who assisted the Government to pursue that course.

3943. Mr. *Hume.*] Are the Committee to understand that the suttee was not agreeable to the Hindoo law, and that many natives of consequence and rank joined the British Government in putting an end to it?—Yes.

3944. Mr. *Hardinge.*] When you say that the petitions were not attended to, do you mean that the English Government gave no answer whatever to the petitions?—The law was passed notwithstanding.

3945. You said that generally speaking the petitions were not attended to, do you mean that no notice was taken of them and no answer given, nor any reasons assigned for the passing of the law?—Some answers might have been given, still the measure was passed.

3946. Mr. *Hume.*] Are the Committee to understand that their remonstrances against the change were not attended to?—That was my meaning.

3947. You have stated to the Committee to-day, that before the change of any important usage or custom takes place, the natives, you think, ought to be heard, and public notice of it given?—Yes.

3948. Sir *C. Wood.*] Are you at all aware if the Members of the Council at Calcutta, where the legislation takes place, do communicate in any way with the intelligent natives upon subjects of legislation?—I am living in Bombay, and I am not aware of what takes place at Calcutta.

3949. Mr. *Labouchere.*] Have you resided in Calcutta for any length of time?—For a few months.

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3950. On one occasion or more than one occasion?—On only one occasion.

3951: Mr. *Hume.*] Do you say of your own knowledge that remonstrances against changes affecting the natives have been made in Bombay, and that no attention has been paid to them?—In many instances.

3952. Can you mention any particular occasion?—I am not prepared to specify any now.

Frederick James Halliday, Esq., called in; and further Examined.

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3953. *Chairman.*] HAVE you had under your consideration the present constitution of the Indian Government at home?—Yes, I have not been able to avoid considering the subject.

3954. With regard to the different existing authorities, do you approve of the present mode of electing the Directors by the Court of Proprietors?—I must speak upon a subject of that sort entirely from an Indian point of view, and with the bias upon the subject which I believe generally prevails amongst men of my profession in India, and with great necessary ignorance as to the state of things in this country, and the possibility of any alterations which might not occur to my uninstructed mind; but speaking in that way I must say that it does not occur to me that the present mode of selecting the Directors of the East India Company is a very good one. It seems to men in India generally not to furnish a guarantee for the best possible persons being selected, and to oppose certain obstacles in the way of an entry into the court, such as expense, and a long, tedious, and sometimes unpleasant canvass, which seem to have a tendency occasionally to deter fit men from presenting themselves for election.

3955. Are you prepared to suggest any other mode of electing the Directors which would obviate the objections which you have stated?—It is exceedingly difficult for me to speak upon such a subject. I am profoundly conscious of my own inexperience in all matters in this country, and I continually feel that the suggestions which I may make upon a subject of that description are made in ignorance of the working of English institutions, and therefore are probably exceedingly crude and insufficient. I cannot say, myself, that I have been able to imagine any better mode of appointing the Directors, but I have heard other modes spoken of, to which I may perhaps give more or less preference, still with great diffidence of my own capability to judge on such a matter. I have heard it proposed that they should be nominated by the Crown. I have heard it proposed, also, that they should be partly elected as at present, and partly elected by the body of Directors themselves. I have heard it proposed, also, that they should be elected by the holders of East India stock here and in India. Of those methods of appointments or election I confess, on the whole, I am inclined to prefer, with great reserve and diffidence as before, the plan of electing them as at present, for the most part, and as vacancies occur, allowing a portion to be nominated, say one-third or one-fourth, as the case may be, by the Directors themselves. It appears to me that you would then perhaps have greater security, on the whole, for the selection of fit persons than you have at present, and you would at all events open a door for the election into the court of those fit persons who are occasionally found in circumstances which deter them or render it unfit or impossible for them to incur the expense, and delay, and trouble of a canvass.

3956. Would you allow the Court of Directors to have the absolute nomination of that portion which you mention, a quarter or a third, or should it be subject to the approval of the Crown, or the sanction of Parliament?—I should suppose that the sanction of Parliament, in whatever way it was proper to be conveyed, would be the best mode of checking the appointments; it does not appear to me advisable that there should be a veto in the hands of the Crown.

3957. Practically, from your knowledge of India, was it felt in India that the Court of Directors was composed of persons not fully acquainted with the wants and the interests of the country over which they were placed as governors?—There are different opinions prevailing in India among different classes of men. It is perhaps one of the evils of the present system that everybody finds one branch or other of the Government to abuse. Some people attribute every evil to the Court of Directors, and some every evil to the Board of Control; but there is a notion certainly in India that the one is hostile and antagonistic to the other,

other, and that by their mutual antagonism, obstructions and difficulties are thrown in the way of good government. I think among tolerably informed persons in India there is a wish that the two could be made, if compatible with the existing institutions and form of government in England, to act with greater harmony and unanimity as one body instead of two; as one constitution of government instead of two antagonistic bodies.

3958. Do you mean that more authority should be transferred to the Board of Control, or do you mean that the Court of Directors should have an increase of power?—I think the idea which I have generally found to prevail upon that subject in India is, not that more power should be given to one than to the other, but that they should be brought into actual contact; that instead of transacting their business separately and chiefly by writing, the Minister for the Crown should come personally face to face with the Court of Directors, or whatever body may exercise the present power of the Court of Directors, hear their debates, understand and weigh and appreciate the reasons for and against any measure which may be under discussion, and then decide, as it were, judicially, having by that means been fully instructed by competent persons upon the measure before the Government. Certainly it has appeared to persons who hold a similar opinion to my own in India, that in this manner the Government would acquire greater weight and authority; that the decisions would be more instructed and weighty decisions; and that instead of being occasionally open to the imputation which, right or wrong, is very commonly thrown upon the measures of the Government in England, that they are dictated or suggested by irresponsible persons in one or other of the two offices of the Indian Government in London, they would be looked upon as the result of careful deliberation and full information possessed by the one Government acting in harmony and with the authority also of the Crown.

3959. Are the Committee to understand that you would leave the relative powers of the two bodies as they now are, only requiring that the representative of the Crown in England should confer *vivâ voce* with the Court of Directors, and listen to their opinions?—The notion which prevails is, that at present the business is first arranged, say, an answer to a despatch from India, by the chairman and deputy-chairman of the court; that, in the form of a previous communication, the assent, in one way or other, of the President of the Board of Control is obtained to this despatch, with or without alterations, as the case may be; that it is then sent to a committee of the court, who deliberate upon it with the full knowledge that the chairman and deputy-chairman, and the President of the Board of Control, which last functionary has absolute power to dictate the final order, are already committed to a written opinion upon the subject in hand. It then goes before the general court, who have to deliberate upon it, subject, to what may appear to some, the disadvantage that their deliberations, however ably they may be conducted, whatever light they may throw upon the subject, are entirely unknown, except at second-hand, to the President of the Board of Control, who ultimately has to decide upon the matter. It certainly has appeared to many persons in India, under these circumstances, that it would be better, supposing all parties to retain their present powers, that measures of that sort should be first of all digested in a subordinate committee, and then debated in the court, in the presence of the great functionary of the Crown, who has the power ultimately, on his Parliamentary responsibility, of deciding upon the matter, that he would decide with better information, and that the court would deliberate independently with more zeal and more devotion to the subject in hand, and that the result would be a weightier and better Government.

3960. Supposing the names to remain as they are, would you require that the President of the Board of Control should be guided by the ultimate decision of the court?—Not at all; I imagine that the President of the Board of Control must of necessity have in the end, as he has now, the absolute power, subject to his Parliamentary responsibility, to decide as he will. He has that, as I suppose, now; but he exercises that power at considerable disadvantage, as it appears to me, compared with the manner in which he would exercise it if he had an opportunity of hearing what well-informed men, devoting themselves to the subject, had to say or might say upon every matter on which he had to decide.

3961. Would you allow those discussions to be public?—No; it appears to me that it would be altogether inconvenient, and I may say impossible, to have those discussions public. I should have no objection to its being known in any instance,

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as indeed it could not help being known, that the President of the Board of Control had decided contrary to the opinion of the majority; but the actual discussions need not be public. Parliament is, I suppose, the place in which that sort of discussion should take place.

3962. Supposing the President of the Board of Control to decide against the opinion of the majority of the Court of Directors, would it be desirable to establish some record in the office of such a difference of opinion?—I imagine that at present the members of the court have the power of recording written protests or dissents in those cases in which the President of the Board of Control decides against their opinion, even though they be a minority, and therefore I should see no objection to the same course being pursued when the President of the Board of Control decided against the majority.

3963. Are the Committee to understand that your object would be, that the governing authority, the President of the Board of Control, should have opportunities of ascertaining the opinions of individual Directors, and should not rely, as he does now, upon the written opinions of the majority?—Quite so. I suppose that it is not by any means every despatch which represents fully all the reasons for the despatch; besides which, it is right that the minority should be heard as well as the majority; in fact, that the President of the Board of Control should hear both sides before coming to a decision. It appears to me also that he should hear them under the check of the presence of their colleagues in open debate, and not as he may, I suppose, even do now if he thinks fit, by sending for them one by one, and hearing them in private; I should think that that mode of hearing their opinions would not be so advantageous as hearing them in the face and in the presence of the rest of the court.

3964. You said, in your previous evidence, that by the previous communication the opinion of the President of the Board of Control was elicited, and declared before the judgment of the Court of Directors; is there any evil in that?—I said it appeared to me that it must of necessity be so, and that that appeared to me to be a disadvantage. It certainly does appear to me that it must be a disadvantage where the person who is ultimately to decide upon a measure to be debated by a deliberative body, has in any shape expressed a leaning one way or the other, especially if he has gone the length of actually approving of a despatch which must take one side of a given question. That, perhaps, can now scarcely be avoided in a number of cases, and he must to a certain extent commit himself to an opinion which afterwards the majority of the court may occasionally differ from, and it seems to me that the court in their deliberations will be at a disadvantage as well as the President of the Board of Control, in his decisions, by that mode of transacting the business.

3965. Your opinion is that if it were known in India that the President of the Board of Control had the means of ascertaining the opinion of the majority of the Directors, in open discussion, that would give more strength to his authority as conveying the assurance that he was aware of all the arguments for and against a particular measure?—I speak entirely as to the opinion in India, and the view taken of the government in India, not being at all competent to speak of it in reference to affairs in this country; but so speaking, I have no hesitation in saying that the acts of the Government thus constituted would be received in India as of much greater weight and authority than the acts of the Government as it is constituted at present, by natives as well as by Europeans.

3966. Is there any practical objection to the present constitution and functions of the Secret Committee, as regards the Government of India?—As we understand the functions of the Secret Committee in India, they are merely mechanical. The Committee is not called on to give any advice, nor is the President of the Board of Control obliged to consult its members; and, as I understand, it might be considered, perhaps, as an act of presumption if they were to offer any advice upon any matter to a President of the Board of Control who was not disposed to receive it. I still think, with avowed ignorance of what takes place, but speaking merely from what is supposed in India, that so long as considerable ignorance prevailed in India as to the constitution of the Secret Committee, it might answer a certain purpose that despatches should be signed by three members of the Court of Directors, because it kept up the notion that the Court of Directors were still the governing body; but the time has gone by for keeping up that notion, and it is, I think, beginning to be known, and will, year by year, be more generally known, that those three important members of the Court of Directors do,

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in fact, in signing those despatches, perform what is apt to be considered as a somewhat degrading office; for they certainly are made to sign what they never wrote, as if it was theirs; and it has become notorious, or is supposed necessarily to follow, that in a number of cases they sign what they actually disapprove of. The prevalence of such a notion in India, with regard to an important function in an important department of the three most important members of the Court of Directors, cannot fail to lower those members, and through them the Court, and through them the Government, in the eyes of the natives of India. The truth in these matters will become more and more known every day. These appear to me to be the objections to the present system. As to the remedy, I see no reason why, supposing the former suggestion to meet with any degree of favour, the same principle should not be carried out with reference to the Secret Committee; that is, that the Secret Committee should not only be enabled, but obliged, to give their opinions, and in that case, I think, they should be written opinions, upon every matter coming before them, and that the President of the Board of Control should decide upon his responsibility, either with or against the opinion of the Committee, but in his own name, and that the despatch should go out avowedly as the despatch of the President of the Board of Control, by and with the advice of the Secret Committee of the Court of Directors.

3967. You would not increase the powers of the Secret Committee, you would only give them the power of representing their opinions to the Minister?—That is all which ever occurred to me.

3968. I understand you to say that you would leave the final and responsible decision to the President of the Board of Control?—Yes, I should; whether he decides in conformity with or against the opinion of the committee.

3969. Would you require that the Secret Committee should sign the despatch, or should the despatch bear only the signature of the President of the Board of Control?—As to the person who signs, I am not so conversant with the forms adopted here as to be able to say, but I should wish that the Government should be avowedly carried on in the name of the Crown, and that whatever form of signature or method of sending out the despatch were adopted, that principle should be carried out; I think it would very much increase the weight and authority of the Government in India. With the great body of the uninstructed natives, for a long while past, the idea has prevailed that the Government of India is farmed out to a company, and though in years past they were puzzled to understand what the Company meant, I think they now generally fancy that it is a company of merchants; and though I have nothing whatever to allege against the general Government heretofore, since I have known it as so constituted, it is quite certain that this idea has a tendency to lower, or at all events, to give inadequate notions of the Indian Government, seeing that the idea of farming the Government in any country must be a low notion, and it is a notion which the natives of India, from old traditions, and old historical recollections of the connexions of farmers with matters of Government administration in that country, cannot entertain compatibly with exalted ideas of the Government under which they live. Besides, the fact is coming out day by day, and as you enlighten the natives it must come out, that after all the Government is effectually that of the Crown, and I am not aware of any reasons, looking at it in an Indian point of view, why what is the fact should not be stated and publicly made known.

3970. Do you think there is any practical loss of power to the Government of India by its being carried on in the name of the Company?—I think there is; one sees every day in India, among the natives, a disposition, erroneous, and prejudiced, and ignorant it may be, but still undoubtedly prevailing, to exalt anything which belongs to the Crown over anything that belongs to the Company; in the army, officers are proud of being in the Queen's army; I think that a disposition may be traced among the officers of the Indian army to desire that they should be considered or placed upon the same footing with the Queen's officers generally; so in other things, the Queen's judges and all officers belonging to the Crown are looked on in a higher light than officers belonging to the Company

3971. Do you think that that feeling which you have mentioned, that the Government was farmed out to the Company, would be removed if the Government were carried on in the name of the Sovereign of this country, but powers were delegated at certain periods as regards the machinery of the Government to a body constituted like the Company?—I confess that, according to my crude notions of

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the subject, it appears to me that the adoption of any such scheme as this would be inconsistent with any legislation for a term; I speak with the greatest possible ignorance upon a matter of this sort, and am unwilling to speak upon it at all; but it certainly did not enter into my comprehension, in speaking of a scheme of this description, that there should be, as it were, a Bill for 20 years, or for 10 years, or any number of years, but that a measure should be adopted and passed at once, subject to alteration, next year or the year after, as the case might be, and the Government being thenceforward the Government of the Crown, there would be no room for any delegation of authority for one term or another.

3972. Whether for good or evil, that would involve a complete change in the system of Government in India, would not it?—Not at all in the system of Government in India; I do not understand that it would involve any change except one of name, and scarcely even that.

3973. Would not your plan involve to a great degree the necessity for some change, so as to place the appointments under the control of the Crown, with the sanction of Parliament?—I think to answer that question as it ought to be answered, I should possess more knowledge of things in this country than I can pretend to. I have said what I have said entirely as from India, and speaking in an Indian point of view. I am very ignorant of things in this country. Still, I may say this much, that I do not see any necessary connexion between the distribution of the patronage as at present exercised by the court, and this alteration, which seems to me but a trifling alteration after all, in the method of carrying on the business. As I understand it, it is merely a substitution of the open and avowed authority of the Crown, instead of the use of the name of the Company, and actually bringing the Minister of the Crown face to face with the Court of Directors, instead of his deciding upon their propositions without seeing them, and without hearing their debates. Further than that, it does not appear to me that there is any serious alteration, and no organic alteration in anything I have suggested.

3974. You were understood to say, that your idea would be not to grant the governing power to any body for a limited period, but to retain the power always within the control of the Crown, subject to such changes as might be deemed desirable from year to year; would it be possible under such a system, to maintain the secondary power which now exists, and to leave to that secondary power all its present power of conferring appointments and its present authority?—I still do not quite see the connexion; I suppose that even in this country, under the Government of England, there are secondary powers, and boards and bodies under the Crown, who exercise patronage. This body, I presume might still exercise such patronage. But as I have already said with respect to the compatibility or incompatibility of this scheme with English institutions, I desire to speak with the greatest possible hesitation and diffidence.

3975. Would you make the troops in India the Queen's troops?—I am not aware of any objection to their being so.

3976. You would make the officers of the army Queen's officers?—I am not aware of any objection to it, but the contrary.

3977. Though they were not appointed by the direct authority of the Crown?—They would be appointed by a body acting with the concurrence of the Ministers of the Crown.

3978. Sir *G. Grey.*] Holding their commissions from the Crown, like officers in the Queen's army?—I suppose they would.

3979. Retaining it as a separate service?—As a local army, belonging to the Crown.

3980. Not allowing an officer to be transferred from a regiment in India to a regiment elsewhere?—That involves a military question, with which I am not competent to deal; I do not see any difficulty in having a local army of that description belonging to the Crown.

3981. *Chairman.*] Would you keep the three armies in the three Presidencies, as separate armies under the Company's authority?—Under the authority of this Government, as so constituted. There would be still three separate local armies, as at present; there would be the army of the Queen's Government of India, in Bengal, the army of the Queen's Government of India, in Madras, and the army of the Queen's Government of India, in Bombay.

3982. Under the control of the Horse Guards here?—That is so purely a military question, that I feel quite unable to answer it.

3983. You see the difficulty which would occur if it were not so. The Queen's troops here under the control of the Horse Guards would still be a distinct body from the Queen's troops in India, under the control of the Company, or whatever secondary agency might be established?—The fact I see, but I do not see the difficulty, probably from my ignorance of English institutions. I do not see why that particular branch of the Queen's army should not be controlled by military secretaries or clerks under this governing body, appointed for the purpose of governing India, just as the Indian army is controlled now by functionaries of that description.

3984. Mr. *Ellis.*] Do you think any discontent might arise on the part of the officers of the separate army in India, on account of not being admitted to the same privileges that the officers of the Queen's army at home possessed?—No, it does not occur to me that it would be so. At the present moment there is occasionally a little heart-burning between the two services, partly of that description; something of the same sort might remain, but I think it would be less, and I think it would be of small importance.

3985. Mr. *V. Smith.*] From whom would you propose that the officers should receive their commissions?—I suppose, in form, the commission would be from the Queen.

3986. In the one case they are obtained by purchase, and in the other by patronage. At present you are aware that commissions in the Company's army are given by the Court of Directors; the commissions of the Crown are by purchase; would you propose that the existing system should still remain?—I do not myself see any objection to a system of purchase being introduced into the Indian army, but whether it were by purchase or by patronage, the commissions might still run in the name of the Queen, as they do at present.

3987. Sir *C. Wood.*] Would not the difference between the three local armies of which you speak and the Queen's troops, after the change which you have proposed, be precisely, or as nearly as may be, the same as exists at this moment?—There would be no difference except in name.

3988. Mr. *V. Smith.*] Do you think that a mere difference in name, if it produced no other change, would have much tendency to allay any dissatisfaction which may be felt at present?—I have not proposed the alteration with the view of allaying any dissatisfaction; the alteration follows almost of necessity upon the other suggestion which I made for the purpose of improving the Government of India. I said that it might be pleasing to the officers of the army to be the servants of the Crown rather than of the Company, but I did not propose that as a method of improving the army or of allaying dissatisfaction.

3989. Do you think if the army in India received the title of the army of the Queen, but the officers were not admitted to perfect equality with the other troops of the Queen, it would not have the tendency rather to increase than to allay dissatisfaction?—I cannot see that it would have any such effect.

3990. Mr. *Hume.*] Would you, in fact, propose to make any alteration in the mode of promotion which is now carried on in the army?—My idea is that it would continue as it is now, except that the name would be changed.

3991. You did not intend that the influence of the Horse Guards, or any influence from England, should interfere with the proceedings of the separate Governments in India?—Nothing of the sort was in my mind.

3992. Sir *G. Grey.*] The patronage would remain still, therefore, with the Court of Directors?—The patronage would be with the Court of Directors, unless it should be thought fit that the appointments to the army in future should be given by purchase.

3993. Mr. *Elliot.*] Do you think it would be possible to give them the name of the Queen's army, without running a great risk of the patronage of the army very soon falling into the hands of the Government?—That again is so purely an English question that I hesitate to answer it; it does not appear to me that it would follow of necessity.

3994. Mr. *Ellice.*] At present the principal commands in India being given to officers of the Queen's army, do you think the officers of the local army in India, by whatever authority they might be governed, would be satisfied after the whole army was nominally the army of the Crown, if that system of the appointment of officers from the army at home were still carried on?—I do not think you could avoid a certain amount of dissatisfaction, such as occasionally prevails at present; but I think if the distribution were fair, as I think it is now on the whole,

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whole, and a fair proportion of the superior military appointments were given to officers of the local army as well as officers of the English army, you might avoid all reasonable ground for dissatisfaction, and all such dissatisfaction as the Government might care for.

3995. Should you consider it fair, that the superior military appointments in India should be given to the small army at home rather than to the larger army of the Crown which would be constituted in India?—The question occurs at this moment; officers occasionally ask that question, "Why should not the superior commands be given to us?" You would have, perhaps, something of the same sort of dissatisfaction under the proposed system as you have now, but I think you would have no more, and probably less.

3996. Sir *J. W. Hogg.*] I collect from your answers, that you think the best mode of governing India for the future, would be by a minister for India, aided by a council?—The form of government which I have supposed, in my answers to the previous questions, might certainly be so denominated; it would in effect be the government of a minister for India, with a council.

3997. Similar to what the government of the colonies would be now, provided the minister for the colonies were aided by a colonial council?—Yes, with this difference between the two cases; that the Council of India, I suppose, would be elected by an independent body for the most part, and in any other case which I have heard supposed, the council for the colonies would be nominated by Parliament or by the Crown.

3998. In that case would it not follow, absolutely of necessity, that the Minister of the Crown, who was responsible for the Government of India, should have the appointment of the civil and military servants proceeding to India?—It does not appear to me to follow of necessity by any means, nor at all to follow on account of propriety.

3999. You have stated, as your own opinion, and the opinion of others in India, that the present system is objectionable as having the appearance of farming the Government; would not it be the worst description of farming the Government, to leave the whole of the powers of the Government in the hands of a Minister of the Crown, and constitute a subordinate authority for no purpose whatever but that of distributing the patronage?—If it were for no purpose whatever but the distribution of patronage, it might be so, but they would have the same powers, authorities, and duties, as they have at present; they would have the power of giving advice, and they would give it with much more force, and much greater influence, and I apprehend they would have more strength and more authority in the Government of India than they have now.

4000. You think it would be quite compatible with the working of that system that the subordinate authorities should have the entire disposal and control of the patronage?—I think the patronage would probably be a difficulty. With regard to the army it might be got rid of, perhaps, by a system of purchase; with regard to civil appointments it might be reduced by giving a portion of them as prizes to certain institutions; but, as I said before, I am very conscious that this scheme may be beset by a thousand difficulties, arising out of the English constitution, of which I am utterly unaware; and I have no notion of expressing it as anything particularly worthy of notice, except as an idea which is undoubtedly prevalent in the country from which I come, and among some of the officers whose opinions I desire upon this particular point to represent.

4001. Of how many members would you think the council appointed to assist the Indian minister should consist?—I think they should be numerous. According to what I have before said, I think there should be precisely the number that exists at present. I have said that I desire to change none of the existing institutions, except the manner of communication and the term for which the Act has heretofore been passed.

4002. You stated that the objection which you entertained to the working of the present system of double government was, that the Court of Directors and the Board of Control, either generally were or were supposed to be antagonistic; will you have the goodness to state to the Committee your grounds for forming that opinion?—I think what I said was, that the opinion prevailed, right or wrong, erroneous or otherwise, in very great ignorance of the real facts of the case, that this was the position of the two authorities; therefore, the nature of my statement does not render it necessary that I should state the grounds, for perhaps there were none.

4003. Did you hear or have you read the evidence of Mr. Melvill, the secretary to the East India Company, upon that subject?—I think I have read all his evidence. I do not particularly call to mind the statement which the Honourable Baronet refers to, but I have read all his evidence.

4004. Having read all that evidence, are you of opinion that it generally, or even frequently happens, that the Board of Control and the Court of Directors take different views upon public matters?—Since I have come to England I certainly have satisfied myself that the differences of that description between the two authorities are much more rare than I had imagined when in India; but that they do occur I have also satisfied myself, and that they occur upon some very important matters I know, and that they occur more frequently than I should have supposed to be desirable.

4005. Do you remember that Mr. Melvill gave the per-centage of cases in which the Chairs and the President of the Board of Control differed, and again gave the per-centage of cases in which the President of the Board of Control differed from the decision of the whole court?—I recollect the fact, but I do not recollect the per-centage.

4006. You stated, and stated very correctly, the course of proceeding with regard to papers and despatches; does not that course, whatever faults it may have, ensure a full and accurate consideration of every subject matter that passes the authorities?—I have no doubt that all subjects which come before the Government as at present constituted, receive a very full and careful investigation; but I think the investigation would be conducted under circumstances of greater advantage, if the major part of those engaged in the discussion were not previously aware that those in whom the ultimate decision lay had already committed themselves to an opinion upon the subject, and that in writing.

4007. You stated that the fact of the President of the Board of Control having formerly expressed an opinion, was rather inconsistent with the independent discussion of a deliberate assembly. In Parliament in this country is not every measure introduced by a Minister previously to its general discussion; and has not that Minister, and the Cabinet with whom he is associated, already formed an opinion before the measure is submitted to Parliament?—Yes, but the Minister may be out-voted, the President of the Board of Control never.

4008. If the President of the Board of Control sits in the Court of Directors as you suggest, and takes a part in a *vivâ voce* discussion, and overrules the decision of the court, you are of opinion that, as at present, that decision of the President should be final?—Certainly.

4009. Under the existing system, if the President of the Board of Control decides contrary to the opinion of the majority of the court, the majority of the court have the power of remonstrating, and by law can call upon the President of the Board of Control to state in writing his reasons for reversing the opinion of the majority of the court; do you not think that that provision of the law imposes a restraint upon the President of the Board of Control far exceeding what could exist if he were to preside at a *vivâ voce* discussion?—I have no doubt that it imposes a very useful restraint upon him; I have no doubt that the present system does ensure a great deal of excellent and full discussion. I only say that I think the discussion would be better in the manner I have suggested, and would be conducted in a manner more likely to lead to a sound conclusion, at all events in a manner more satisfactory to those affected by the decision.

4010. You speak generally of the feelings of the services in India, both civil and military; with your experience, is it your opinion that the services in India, civil and military, are and have been satisfied with the existing system of Government, and satisfied with the treatment which they have received, and the attention which their interests, as far as consistent with the public interest, have received?—On the whole, undoubtedly.

4011. You are not of opinion that any feeling of dissatisfaction exists in the service?—Not except in occasional cases; on the whole I think the services are very well satisfied; but the tendency in the services, I should say, is to attribute all the good which befals them to the Court of Directors, and all the evil to the Board of Control.

4012. If that is the general impression in India, and if you yourself participate in it, would not the natural deduction be, that it is desirable to increase the power of the Court of Directors, and to diminish the authority of the President of the Board of Control?—I have a full persuasion that this plan which I have ventured

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to suggest, with the greatest possible diffidence, would increase the power of the court, and it is, in a great measure, with that view that I have ventured to suggest it. It appears to me that the court meeting with the Minister of the Crown face to face, each member of the court, well selected, and well informed, enforcing his own particular views of the questions under discussion in an oral debate, in a solemn assembly of that sort, would have much greater power and influence over the measures to be adopted by the Minister than they have at present.

4013. However well acquainted, and however conversant with the working of the machinery of the Government in India, the civil and military servants of the Company are and have been, they have not been particularly conversant with the working of the system at home, have they?—Assuredly not.

4014. The mode of working of the Secret Committee, and the powers of the President, and the members of that committee are clearly and distinctly defined by the Act of Parliament?—They are.

4015. Notwithstanding that you say the mode of working of the Secret Committee was till lately wholly unknown in India?—I will not say it was wholly unknown; it was wonderfully little known.

4016. Till of late very little was known about the matter?—Respecting the details, very little indeed was known, and a great deal was misunderstood.

4017. The functions of the Secret Committee are confined by the statute to matters of war and peace and treaties with the native powers, where publicity would be injurious, are not they?—They are.

4018. The President of the Board having the chief, and indeed the sole power, I assume that the decision of the President of the Board is the decision of Her Majesty's Government?—No doubt.

4019. Would you see no difficulty in introducing any system which should constitute a little cabinet that might be antagonistic to the cabinet which is responsible to the country and somewhat embarrassing to them?—I dare say there might be some difficulties, but they do not appear to me to be of any great importance. On the whole, I think the advantages of such a system predominate over the disadvantages.

4020. Do you think that any individual or body of men ought to have the power and authority of controlling or embarrassing the Queen's Government, who are responsible for the good management and peace of the Queen's territories throughout the world?—Certainly not, nor do I imagine that this plan would control or even embarrass them to any appreciable degree.

4021. While by the existing system the control in matters where secrecy is necessary is given entirely to the Queen's Government, the Executive and Administrative Government is conceded to the East India Company?—Under the control of the Board of Control.

4022. You have stated the proceedings so accurately that you doubtless know that the whole of the initiative rests with the Court of Directors?—I am aware of it.

4023. With the control of public opinion and the power of demanding from the Board an explanation of any alterations which may be made in their decision, do you not think that that system practically gives the Government of India, administrative and revenue, to the East India Company?—I cannot but say still that ultimately the Government of India is in the hands of the Minister of the Crown, seeing that he has the absolute control over everything which the Court of Directors may do or propose to do.

4024. But assuming that the subordinate body, whether it be a council or the court, or whether it has the power of initiating, has the power of remonstrating, and has the power of demanding from the controlling authority the reasons for any alterations, is it or is it not your opinion that in a country like this, influenced so much by public opinion, it does practically give them, if not the whole Government, the chief control over the Government of India?—It does no doubt give them the chief control, or at least a very important control over the Government; but I think under the system I suggest they would have even more, and I desire they should have more. I think they should have the right of coming face to face with the Minister of the Crown.

4025. In the system which you have suggested their discussions would be private?—Yes.

4026. Consequently they would not be known to the public?—No more than are at present.

4027. Then if the President over-ruled them you would not have what now exists,

exists, namely, the power of remonstrance of the one authority, and the reasons assigned in writing by the other?—You would have the previous remonstrance, and you might have the subsequent protest or dissent.

4028. How could you know the previous remonstrance, inasmuch as you would have *viva voce* discussion, but no written remonstrance?—An actual written remonstrance even is not incompatible with my scheme, and might be introduced as a part of it. At all events, there might be written dissents after the measure had been adopted.

4029. You said that one of the disadvantages at present was, that the President of the Board of Control had no means of knowing the opinion of the minority of the court except at second-hand; are you aware that any member of the minority has the power of recording a dissent, which course is very frequently resorted to, and that those written dissents are sent up for the consideration of the President of the Board of Control, with the determination of the majority, so that he sees not only the determination of the majority of the court, but the recorded opinions of the minority, if they choose to record them?—No doubt; I am aware of that; and I think it a great advantage; what I have suggested seems to me to be only an additional advantage.

4030. Would not that system of recording dissents and giving written remonstrances entirely disappear?—I think I have expressly said that I would continue the power of recording dissents in the hands of the minority.

4031. If the President presided, and having presided determined against the opinion of the majority, for what purpose would you have the dissent recorded; to what superior power could that dissent be submitted?—In the first place the dissent might called for in Parliament; there is no objection to that that I am aware of; and, in the next place, a dissent under those circumstances would have the same authority that a dissent has under present circumstances.

4032. Would you constitute a Council for the Government of India, and make it a part of the constitution of the body, that whenever the minority differed from the majority there should be an appeal to Parliament?—I would say, in answer to that question, that I have not presumed to constitute a Council for India at all; all I have presumed to do is to suggest that the existing Council for India should transact their business in a somewhat different way from that which is adopted at present; that whereas now they do not come as a body into personal contact with the President, and have no opportunity of debating and discussing their views before him, they should have it in future; any other good means of discussion and debate which they at present have they might still have, compatibly with this scheme, as far as I understand it. What I mean is rather to increase the power of the Court than to diminish it; and not to change the court as a council, or constitute a new council for India, but only to alter the working of the present system.

4033. Mr. *Ellice*.] You have been asked whether occasions of difference between the Board of Control and the Court of Directors were rare, and whether according to Mr. Melvill's evidence there has not been a general agreement between them. Have not, as far as you possess information on the subject, the occasions of difference, although very rare, been on questions which were of the greatest importance to the interests of India?—I do not know that I am sufficiently acquainted with the facts to answer that question, except by giving the impression which exists on my mind, and which I know prevails in other people's minds in India. I should say my belief is, that differences of that kind do occur in very important cases; if I were asked to specify the cases I should probably be able to do so.

4034. Sir *G. Grey*.] With regard to the higher appointments now made with the concurrence of the Crown and the Court of Directors, have you considered what would be the effect upon them of the plan you have recommended; would you give to the proposed council the same power which is now possessed by the Court of Directors, or would you give to the Crown the absolute power of making those appointments without any concurrence on the part of the court?—I should be glad to change the form of the present council, but I am very desirous of stating that I propose no new council.

4035. Would you give to the Court of Directors, constituted as you propose, the same power which they now possess of withholding their concurrence from appointments by the Crown, of the Governor-general, the Governors of the Presidencies and the Commander-in-Chief?—It seems to me to follow from the new mode of transacting the business which I have suggested, that no such differences

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in fact could arise, for the appointments, like all other measures, would be either the measures of the majority concurred in by the President, or they would be the measures of the President against the opinion of the majority.

4036. Would you give the President, representing the Crown, the power to make all those appointments to which I have adverted, against the opinion of the majority of the council?—Undoubtedly; my notion is, that the President of the Board of Control in this mode of transacting the business should have complete power to do everything he pleased after hearing all that the court have to say upon the subject.

4037. Then I need hardly ask you whether you would give the Court of Directors the power of recalling the Governor-general?—The answer follows almost from the previous one.

4038. Mr. *V. Smith.*] You have proposed that a proportion of the Directors of whom you meant to retain the same number, should be chosen by the Court of Directors themselves, would you propose that the court should select whom they pleased, without any security for the possession of the necessary qualification, or without any limits to their choice?—I would prefer to leave them to their own free choice.

4039. You would not think it necessary to limit them to appointing persons who had had experience in service in India?—No; I believe, generally speaking, they would select such persons; but whether they selected them or selected other persons, I think they would select fit persons, and probably fitter than at present.

4040. Suppose there were no period fixed for their term of power, do you conceive that persons would be willing to accept the direction?—I do not see why it should deter them at all.

4041. Have you any experience or knowledge of the system of canvass pursued for the purpose of entering into the direction?—Only at second or third hand.

4042. Only from hearsay?—Only from hearsay.

4043. You stated, generally, that you considered it objectionable, and that you believed many persons were unwilling to subject themselves to it?—Yes.

4044. You have heard, probably, the names of eminent persons who have declined to go through the trouble of the canvass which is now necessary for a seat in the Direction?—I have.

4045. You were asked by an Honourable Member whether you did not think the council you propose would embarrass the proceedings of the Government; have you never known the present system embarrass the Government?—I have heard that the working of the present system did, on one important occasion, somewhat embarrass the Government.

4046. At any rate, it is possible it might do so?—No doubt.

4047. Is there anything in the system you propose that would be more embarrassing to the Administration than the present system?—I cannot see any reason why it should.

4048. You stated that the Crown was more looked up to than the Government of the Company, from its power of appointment; have you ever known a civil servant appointed to be Governor-general of India?—I think Lord Teignmouth was so appointed.

4049. Do not you think that the system of the Crown always appointing political friends to the Governor-generalship of India might have led to the opinion which you state exists in India, as to the superior power of the Crown?—I do not know that I said anything about the power of the Crown; I may have said something about the superior prestige of the Crown.

4050. Mr. *Labouchere.*] Is it the fact the Government does always appoint a political friend to be Governor-general of India?—The opinion prevails in India that the persons appointed as Governors-general have been in almost every instance persons of great fitness and ability.

4051. Persons of great political eminence and fitness for the situation?—Of great fitness for the situation undoubtedly.

4052. Are not you aware that Lord Dalhousie was not in party connexion with the Government that appointed him?—I am aware of it.

4053. Mr. *Mangles.*] You spoke of your object and your belief being, that the plan which you have proposed would give more power to the Court of Directors than they have at present, and yet you propose to take away from them the only absolute important power which they possess, that of recalling the Governor-

Governor-general and the Governors?—No doubt in that particular I was mistaken; in that particular respect their power would be diminished.

4054. Also you propose to take from them the power of objecting to any man, however unfit they might think him, whom the Minister of the Crown proposed as Governor-general?—Yes; because I think the Government of the day, after hearing what a capable body, such as I have supposed, had to say, freely and fully, upon any matter of that sort, ought to decide.

4055. Would not the effect of that be, to reduce them to a much lower degree of power than they at present possess?—Their power would be reduced.

4056. Would not it be a most serious reduction of their power?—I cannot suppose it would; the instances of their exercising the power of recall are, it is well known, very rare; the instances of objection may be more frequent, inasmuch as they do not transpire; but they might object even under the proposed system.

4057. Is not the knowledge of their possessing, however unfrequently it may be exercised, such an *ultima ratio*, the only means they have of effectually enforcing their authority upon a distant Governor-general, that Governor-genral probably being a man of high political power and eminence in this country?—No doubt, if the Court of Directors is to be reconstituted entirely upon its present footing, and to transact its business as it does now, I should argue strongly for the retention of the power of recall, just as they have hitherto had it; but the power is given for a specific purpose in order to keep up the authority of this separate court, having certain powers of the Government delegated to it for specific objects. The reason for their exercising that particular power, under the new system, would no longer exist, and therefore it would fall by the necessity of the case; there would be nothing in the nature of the Court of Directors to render it desirable to continue this power simply for the sake of their having it, when the reason for it no longer existed.

4058. Would you not continue it for the sake of the prestige and the weight it would give to their authority?—No, because under the system I propose the authority is to be that of the Crown.

4059. You used the expression, "Farming the Government;" do you think the people of India believe that the Government of India is farmed to the Company, in the same sense that the taxes were farmed at the period you allude to?—They use precisely the same word in speaking of the renewal of the charter. They will talk with you as to the probability of the "Ijareh" or "farm" being renewed, and, as far as I know, they have no other term to express it.

4060. Is that not merely through the infirmity of their language; have they any word which signifies delegation?—They may have; I speak of the fact, and their use of the term carries with it a corresponding idea.

4061. How would you translate "delegation" into Hindoostance; might not "Ijareh" be a fair translation of that term?—It would rather signify farm or lease.

4062. You said that, in fact, the Government was that of the Crown, and that the natives as they become more enlightened, will more and more understand it to be so?—It is the case.

4063. As they become more and more enlightened will not the mischief, which you consider arises from their notion of a farm, disappear of itself?—It may in that sense no doubt, and does; and yet there arises a proportionate weakness to the Government, from their seeing that the body held up as their apparent Governors are not their real Governors. Without wishing to speak irreverently, it has somewhat the appearance of a sham.

4064. You think it is beginning to be understood that the Government of India is that of the Crown?—Yes; as the natives become enlightened, it is so.

4065. The Government of Ceylon is that of the Crown too, is it not?—Yes.

4066. Do you consider that Ceylon has been and is better governed than the continent of India?—I am afraid I do not know enough of the Government of Ceylon to enter into any comparison; the general opinion is undoubtedly that it has not been so well governed.

4067. The one being virtually and the other ostensibly the Government of the Crown, how do you account for the Government of India having been better than that of Ceylon?—To answer that question would require a greater knowledge of the whole of the Colonial Department than I pretend to possess. I think I may say thus much, that it seems to be generally admitted that the Government,

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which the Colonial Department has hitherto exercised, has not been the most successful Government of the colonies, whereas the Government of the East India Company has been on the whole a successful Government of India; but that would form no argument against such a Government by the Crown as I have suggested, which would combine both the advantage of a Government by the Crown and a Government by the Company.

4068. Do you think it essential to the good government of India that some non-political body, whether called a Board of Directors or whether called an Indian Council, should be interposed between that country and the action of Parliament in this country?—I dare say it is of great use.

4069. Have you no stronger opinion upon the subject than that?—I am anxious not to express any strong opinion about the Government of this country.

4070. Do you think the Government of India would be improved if Parliamentary interference were to be more direct and frequent than it is now?—I am not, myself, personally, in such dread of Parliamentry interference with the Government of India as I see to prevail here in the minds of persons who are more acquainted than I am with what Parliamentary interference means. Upon the whole, I am inclined to think that Parliamentary interference, though it might create embarrassment in some cases, would work well in the end.

4071. Mr. *Cobden*.] The Committee understand you to say that by the services in India all that was good was attributed to the Company, and all that was evil to the Board of Control?—It is apt to be so.

4072. What is the feeling of the natives upon that subject?—The natives, generally, have no distinct idea upon the subject at all; they have a notion, as I have said, that the Government is farmed to a certain body of governors in England whom they very imperfectly understand, and I do not think the natives generally have any idea of the Board of Control whatever; they scarcely know it exists.

4073. The natives know of no Government but that of the Company?—Undoubtedly that is the case; speaking of the natives generally, there is a small body of natives who are better informed.

4074. They consider that India is given up for a time to the Company, and they do not understand the checks or controls, or responsibilities, attached to the Board of Control?—They do not.

4075. Consequently all the odium or obloquy of misgovernment, if there be any, attaches to the Company?—Undoubtedly.

4076. I understood you to say, that you believed the natives would regard with much more reverence the Government of the Crown than that of the Company?—I think they would be apt to do so: it is consonant to the general national character, I think, and it arises out of the kind of idea they would form of a Government farmed out, in consequence of their historical experience of the result of such methods of administration in India.

4077. Without making yourself responsible for the mode in which a Government under the Crown, administered directly from the Crown, should be carried on in India, or without pretending to say how that could be made to work in unison with our representative system here, is it your opinion that the Government should be carried on in the name of the Crown?—I think so.

4078. I understood you to state, that in saying so you were expressing the opinion of many intelligent persons in India, also engaged in the service?—Undoubtedly I am.

4079. I understood you to say that you did not propose in your plan to supersede the present Court of Directors; at the same time I suppose you do not prescribe the continuance of that court?—What I said was, that I could not approve altogether of the manner of electing the present Court of Directors, but I had not been able to devise any better plan, and did not wish to attempt it; I only expressed a preference, among three or four modes of which I had heard, for one over the others.

4080. Understanding you to say that the natives would prefer a Government direct from the Crown to a Government by the Company, if it were known that you were giving increased powers to the Court of Directors, which is the phrase you were understood to use, would not that rather tend to impair the force and diminish the popularity of the Government which you would establish?—Not if the whole scheme were taken together, which, though it would give a larger legitimate

legitimate influence to the Court of Directors, would leave the Government of India to be administered not only really but nominally by the Crown.

4081. You consider, at the present moment, that the President of the Board of Control virtually governs India, and you wish him ostensibly to govern it; at least you wish some one representing the Crown ostensibly to govern India?—Precisely.

4082. Have you thought, respecting the responsibility of the Court of Directors, whether they should be responsible to the Government, or to Parliament, or merely to the proprietors of East India Stock?—I have thought of it, and I see the subject to be encompassed with a great many difficulties; for that reason I said I should prefer not to set up any scheme of my own, though not satisfied with the present system, not being able to find out any better, but that I should prefer leaving it to persons who understand the state of things in this country better than I do.

4083. I presume if the President of the Board of Control, or any one representing his office, were to be appointed to work with a court such as the Court of Directors of the East India Company, that court must, in some manner, be brought into a position of responsibility to the Executive Government and to Parliament?—To Parliament, no doubt; I do not see that they would be placed under any responsibility to the Executive Government.

4084. Like, for example, the appointment of the Commissioners of Customs or of Excise; those appointments are not made by an independent constituency, but they are nominations from the Crown, through the Minister of the Crown. You propose to have a body of commissioners not appointed by the Crown, but elected by an independent body of constituents; how would you bring those constituents, or their nominees, into responsibility to the Government?—I do not understand that they would be in any way responsible to the Government.

4085. Do you suppose that the Minister of the Crown would be working in co-operation with a body holding no allegiance to the Government or to Parliament, but being appointed by an independent constituency?—He works in co-operation with them now.

4086. I understood you to say that the present system is a sham?—I did not say that it was a sham; I said it had somewhat the appearance of a sham to the natives of India.

4087. Would it tend to diminish the impression in India that the Government of that country is, I will not say a sham, but that it is not a reality, if it were known that the President of the Board of Control, or any other responsible Minister of the Crown, were associated with a body of men constituted as the present Court of Directors of the East India Company is?—The want of reality at present consists in this, as I understand it, that though the real governing power is the Minister of the Crown, the body put forward as the ostensible governors is the Court of Directors. Under the system which I have suggested the fact would be put forth as it really exists, and he who was the real governor would be also the ostensible governor.

4088. And he would be responsible both to the public opinion of India and also to Parliament?—Yes.

4089. You are aware that we very seldom hear of such a thing as the President of the Board of Control being called to account in the House of Commons for anything connected with the administration of India?—It may be so.

4090. But on the contrary, the Secretary for the Colonies is very frequently rather severely baited in the House of Commons?—Perhaps so.

4091. Supposing the Government of India were altered in the way you suggest, have you ever considered whether there would be an insuperable difficulty in the question of the patronage?—I have considered that that would be a difficulty, but it did not appear to me to be an insuperable difficulty.

4092. You are, of course, aware that the origin of the present form of government for India may be traced to a desire to evade the difficulty of the patronage?—I believe so.

4093. You suggested that the civil patronage might be made, to some extent at all events, the reward of merit in our public institutions, our colleges, and public schools?—I should rather throw out that idea for the purpose of, in some degree, limiting the patronage, so as to render it less of a difficulty. I think it would be advisable and right that a large proportion of the patronage of that description

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should remain in the hands of this governing body as well as in the hands of the President of the Board of Control, as at present. What I meant by that suggestion was, that if the amount of the patronage occasioned any difficulty, it might be limited by giving a portion of it as prizes to certain educational institutions, or otherwise, as might be deemed advisable.

4094. Do not you think that at present the East India Company very often incurs obloquy for the misgovernment of India which it does not deserve, in consequence of this divided authority?—I dare say it does, sometimes.

4095. Take, for instance, the question which has excited much interest in our manufacturing districts, of the production and exportation of cotton in India; the defect has been generally attributed to the want of roads and other improvements; if I understand rightly, the Board of Control has the power of deciding upon questions of peace or war, and therefore must have a great influence over the prosperity and resources of India?—No doubt.

4096. If the Government declare war and absorb the revenues of the country, those resources, of course, cannot be laid out in making roads, or the production of cotton?—No.

4097. You would consider it fair to the East India Company, as well as to the Board of Control, that the responsibility should be fairly and intelligibly placed on the right shoulders?—Undoubtedly.

4098. At the present moment, you can see no way of doing that but constituting a single government for the administration of the affairs of India?—I see no other way.

4099. Mr. *Labouchere*.] Would your scheme ensure a single Government; would not there still be councillors whose appointments would emanate from a totally different source, who would mix in that Government?—There would. That appears to me, no doubt, a difficulty and an anomaly; the plain straightforward course would be decidedly to have the Government and the council nominated altogether by the Crown; but whenever I have spoken of that with well-informed persons, I have been informed, in a manner that I could not possibly resist with my want of experience, that such a measure was totally out of the question, that it was quite impossible; and therefore, driven from that, I fall back upon what appears to me to be the more practicable suggestion which I have made in the course of my evidence to-day.

4100. Are you aware of any history which affords experience of a Government where the executive authority and responsibility emanated from one source, and the councillors, who were to advise the executive, from another?—That is precisely the case with the present Government of India.

4101. Is not the present Government of India, professedly and avowedly, a system of double authority: I understand you to wish to substitute for that a single and undivided authority, and yet you would compose that single and undivided authority of a responsible Minister, whose councillors should be totally unconnected with him, and derived from a perfectly distinct source?—All I have proposed is to amend the manner of transacting business in the present anomalous system, as far as I can, without introducing any great constitutional or organic changes.

4102. In your opinion do you still leave a divided or double authority, or do you present your scheme as being based on the principle of a single and undivided authority; upon which of those two principles does the Government which you propose proceed?—There is this anomaly in it; looked at in one point of view it may be called a double Government, but looking at it in another point of view; it has more unity in it than the present form of Government at all events, and so far it would be an improvement; I would prefer an entirely single Government if such were possible.

4103. Mr. *Ellice*.] Whatever mode might be adopted for electing a Board of Directors, or a Council for the future government of India, you would be of opinion, would you not, that such a Board or Council should be as independent of the executive Government, and as permanent in its character, as it is at present; and that it should not change with the different changes which occur in the Government of this country?—I would.

4104. Mr. *Hume*.] In the first part of your evidence you said that there were two powers existing by which India was governed, and that you were desirous to identify those powers; is it not your opinion that the Court of Directors, composed as you have suggested of men of experience, and well acquainted with the

affairs

affairs of India, should continue to give their advice and counsel to the Minister of India, who would have the ultimate power of decision?—I suppose that is practically what I have suggested.

4105. Have not the Court of Directors, although acting as it were under the direction of the President of the Board of Control, the entire direction of the revenue, and of the administration of justice, and the arrangement of the army; do not they conduct all those departments at the India House in the efficient manner in which they are now carried on, and do you not wish that they should continue to carry on all those duties as heretofore they have done?—Yes.

4106. Do not you wish that, instead of the Chairman and Deputy-chairman of the court deciding on matters of great importance to India, without consulting the court, no such matters should be decided until the opinions of all the members of the court had been heard for and against the measure in question, leaving it then to the President of the Board of Control, after hearing those opinions, to decide as he thinks fit?—Yes.

4107. Would not you constitute one single Government to consist of the Minister for India, aided by the experience and counsel of the Court of Directors?—That is what I meant by saying, that in one point of view, my suggestion may be called a suggestion for a single Government; but it is double in this sense, that one branch of the authority would emanate from one source, and the other branch would emanate from a totally different source.

4108. You see no difficulty which would arise in the administration of affairs in India, from that additional advice and information which could be obtained in the way you have suggested?—No; I think it would be a means of improving the Government in India.

4109. You have offered an opinion about one-third or one-fourth of the number of Directors being nominated by the Court of Directors itself; has not it occurred to you that the Crown might nominate that number of the Directors, without allowing any party views, or party combinations, to influence those appointments?—I have considered that subject, but I really have too little acquaintance with the state of parties, and the conduct of affairs in England, to offer an opinion upon it.

4110. Is it your opinion that the Secret Committee should be continued; and if so, is it your opinion that the members of that Committee should place their opinions on record in all instances where they differ from the President of the Board of Control?—It is my idea that they should place their opinions on record in all instances, whether they differed from the President of the Board of Control or not.

4111. Do you contemplate advantage, in case subsequent inquiries should take place, from those opinions being recorded, showing the reasons for the course of conduct which had been pursued?—Yes; certainly.

4112. Would not that be productive of very great advantage in the way of affording facilities to parties who had to inquire at some future period into the proceedings which had taken place?—I dare say it might.

4113. Is not the principle object of the whole scheme which has been referred to, to place the responsibility in one individual, that responsibility being known to Parliament and to the country?—That would be one concomitant of the suggestion.

4114. You think that the responsibility should avowedly rest with the Minister of the Crown, just as the administration of the colonies rests with the Secretary for the Colonies?—That it should be open and patent to the public that he is the responsible president.

4115. Do you conceive that any possible mode could be adopted for keeping in check the revenue, the judicial, and the military systems in India better than exists at present?—I do not know that I can go the length of saying that no better mode than the present could be devised. I have a very high opinion of the mode in which the Government of India has been conducted, in all its branches.

4116. Are not you aware that in the Court of Directors there are committees having special reference to the administration of the revenue, the judicial administration, and the military administration?—I am.

4117. Can you suggest any improvement which could be made in that mode of conducting the business?—No, it appears a very excellent mode of conducting the business, discussing subjects in committee previously to their presentation to the full court.

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4118. Have you found that schemes sent home from India have been well and carefully considered by committees of the Court of Directors?—Very well considered.

4119. Is not it your wish that the Minister who is to be responsible for the Government of India should have the advantage of knowing what are the opinions of well-informed members of the Court of Directors, by hearing the discussions which take place on every important question?—It is so.

4120. Would it in your opinion involve any great loss of time, or interfere with the ultimate responsibility of the Minister?—I do not understand that it would.

4121. Then, in fact, what you desire is, that the knowledge possessed by the Court of Directors should be made more useful than it is at present, that the check and control now existing should be continued, and that the President of the Board of Control, instead of deciding as he now does on the opinion of the Chairs, or without their opinion, should invariably be made acquainted with the opinion of the court, and whatever reasons or facts could be adduced by it?—Not the opinion of the court only, but also of the individuals of the court.

4122. Sir *G. Grey*.] Would you prohibit the court from discussing matters connected with the Government of India in the absence of the President of the Board of Control?—That is a matter of detail which I have scarcely considered. The obvious intention of the plan is, that the President of the Board of Control should hear all their discussions, and one cannot understand why they should discuss matters in his absence.

4123. Do you contemplate that the President of the Board of Control should always be present during the discussions of the Court of Directors?—I certainly think that at all important discussions, at any rate, he should be present, and for the purpose of carrying out the scheme completely, I think he should be present at all.

4124. Mr. *Labouchere*.] Would you apply that answer to the discussions which take place in committees?—No, not in committees.

4125. Mr. *Hume*.] Are not you aware that in the Court of Directors, as now constituted, every military arrangement is referred to the Military Committee, every revenue arrangement to the Revenue Committee, every judicial arrangement to the Judicial Committee; and that having been discussed in those committees separately for a certain period, probably 10 or 15 days, the results of their deliberations are at length brought before the full Court?—I understand that, but they do not do this till the measure has previously been before the Chairman and Deputy-chairman and the President of the Board of Control, and till those authorities have actually given an opinion in writing upon it.

4126. Are not the Committee to understand that you wish this: that the information which those committees may have collected and brought before the court should be discussed before the President of the Board of Control passes his determination, and before the Chairs agree with him?—Certainly.

4127. Sir *C. Wood*.] Are you not aware that any communication from the President of the Board of Control, in answer to what is called the previous communication, is not his final determination?—I am quite aware of it.

4128. Mr. *Elliot*.] Are not you aware that it constantly happens that, on the return of a despatch from the Court of Directors, in reply to an answer to a previous communication, the President of the Board of Control changes his original view, as expressed in answer to the previous communication?—I dare say he does; but no man is very willing to change his view after he has once put it down on paper.

4129. As it happens almost every day, do not you think that that is so slight an objection as really to be hardly worth urging?—If that happens in almost every instance the objection falls to the ground; I was not aware that it was so.

4130. Sir *T. H. Maddock*.] You expressed an opinion that the number of this court, whatever it may be called, should not be diminished; that it should remain at its present number of 24; have you any ground for thinking that that large number is requisite for the purpose?—In the first place, it is the number which at present exists, and I wish to suggest as little change as possible; in the next place, a large number would tend to make the courts, I suppose, more independent, and would make them more completely a bar to party interference or influence, as it is supposed they are at present; and in the third place, it would tend to distribute the patronage more widely, so as to make it in the case of each less a matter of public importance.

4131. You would retain the present practice of making the patronage of India individual patronage?—I see no objection to it, under certain limitations; on the contrary it appears to be an advantage.

4132. You have suggested a mode of relieving those individual Directors of a portion of the most valuable patronage of the civil service; do you see any objection to relieving them of a considerable portion of their military patronage in the same way?—I see no objection; but they should still have a sufficient amount of patronage to render it worth their while to undertake those duties; and also to give them that sympathy with the general machinery of the affairs of India which they now feel from their present connexion with the patronage of the country.

4133. The scheme which you suggest as one which would meet with your approbation contemplates the addition to this body, or the insertion into this body, of 24 Directors, one-third or one-fourth of another description of persons, not elected as the present members of the court are elected; how would you get rid of the one-third or one-fourth of the present members of the court?—I should not think of getting rid of them; I only meant, and I think I said, that as vacancies occurred, say, every third or every fourth vacancy should be filled up in this manner.

4134. There are now 30 Directors upon the roll, and six of those only go out by rotation; according to your plan it would take some years before there would be a sufficient change to alter the present personalty of that court?—No doubt it would; I do not think that a great disadvantage.

4135. You have told the Committee that the form of Government in this country is beginning to be considered as a sham; did that apply especially to the idea of India being governed by the Court of Directors?—I explained my meaning to be this, that the ostensible Government was beginning to be understood as not being the real Government.

4136. By ostensible Government, did you mean the Court of Directors?—What is called in India, the Company.

4137. Is not there a wide distinction between the Company and the Court of Directors?—Not in India; they are looked upon as the same; undoubtedly there is a distinction.

4138. In addition to the other reasons which you have urged, or the opinion which you have expressed in favour of the Government of India being carried on in future in the name of the Crown, do not you consider that it would be looked upon as wanting in respect to the feelings of the people of India, to place them any longer under the Government of the Company, which you say they are beginning to look upon as a sham?—Certainly, if you put it in that form before them, it would not be respectful; but in no other way should I consider that it was disrespectful to the natives of India to continue the present form of Government, if such should be decided upon by Parliament.

4139. Do you think the civil servants would consider themselves flattered by being continued under the same circumstances?—I would give the same answer. I do not think the civil service would consider that it was any question of flattery, or the contrary, if the Government were continued on its present footing for another 20 years.

4140. If officers of the Indian army receive commissions from the Crown, and the Crown only, what sort of commissions would you give to members of the civil service?—They have no commissions at present.

4141. They must have some warrant for their appointment now?—They would have exactly what they have now, except that the order of their appointment would proceed in the name of the Crown.

4142. Do not you think that one of the great evils of the present system of intercourse between the Board of Control and the Court of Directors is this: that in consequence of the Chairs and the President of the Board of Control having, in ordinary cases, previously formed their opinion, when that opinion is opposed either by a majority or a minority of the members of the court, and of the members of the committees to which the subject may have been referred, their opposition always takes the appearance of an opposition to the superior authority, and is on that account disadvantageous?—I did not quite mean that; I only meant that there was a disadvantage in that being a subject of discussion upon which the deciding body had, to some extent, committed itself to an opinion.

4143. In consequence of the deciding body having already formed an opinion, is not it likely, in a great many cases, that the members of the court would be

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deterred from opposing that opinion, because it would be placing themselves in the attitude of oppositionists without the expectation of success?—They would not, I think, be deterred. It might happen that a man might not think it worth his while to make any opposition to a measure which he believed had been determined on over his head, but I do not know that that occurs.

4144. Mr. *Ellice.*] I gather from your evidence that, on the whole, you are of opinion that there should be a greater consolidation of institutions for the Government of India under the direct authority of the Crown?—Precisely.

4145. Do you see any advantage in maintaining the double establishment which now exists in Cannon-row and at the India House for the purpose?—None whatever, but the contrary.

4146. You would be of opinion that a great saving of time and labour, through the greater concentration of authority, would take place if the one authority were removed to the place where the other carries on its affairs?—It was naturally involved in the scheme which I ventured to suggest.

4147. In fact it would be desirable to put an end to the double establishment, in that respect at all events, as far as the conduct of Indian affairs is concerned?—Quite so.

4148. Mr. *Cobden.*] I understood you to say that you came here rather to speak on these subjects from an Indian point of view than with regard to our own arrangements at home?—That is so.

4149. I conclude, therefore, that in giving the opinions you have expressed as to what should be done here in devising a new mode of Government, which you think should be a Government entirely by the Crown, you are not prepared to say how the details should be worked out?—Very far from it.

4150. I gather that, as the result of your long experience in India, it is your opinion that, if a single Government were created for ruling India in the name of the Crown, it would very much add to the authority of this country in India, and tend to consolidate and strengthen our dominion there?—I do believe so.

4151. Mr. *Lowe.*] You have been asked some questions as to whether the tendency of the scheme you recommend would be to enlarge the power of the Directors of the East India Company; is not what you meant to say that it would rather increase their influence than their power?—I think I used the expression "legitimate influence."

4152. You mean that influence which the superior knowledge and the high character of the gentlemen would naturally give them in conference with the Minister?—Yes, and with a better opportunity of exhibiting those qualities.

4153. Are you of opinion that a body constituted as the East India Company is now, is on principle a proper depository for the very high and ultimate powers of the Government?—I cannot say that I think so.

4154. Is not it practically an irresponsible body?—It is so.

4155. And, therefore, in theory, an objectionable depository of power in that sense?—In that sense.

4156. With regard to the election of Directors, is it not the fact now that the entire direction is to a great extent self-elected; that practically the candidate recommended by the court generally succeeds?—I really am not aware of it; I should not have supposed that it was so.

4157. With regard to the course of business in the office, how would you recommend, under the system you have sketched out, that the business should be prepared, should the initiative draft come from the Directors or should it come from the Minister?—My idea is that the initiative draft should come from the committee in the department; that it should be laid before the general court, at which the Minister for the Crown should preside; and that it should be there discussed as much and as often as might be necessary, and decided on.

4158. Are the Committee to understand your opinion to be that every despatch should proceed from the Crown Minister and be signed by him?—As to the actual fact of signing, if that be necessary, in order to declare that it comes from the Minister of the Crown, with the advice of this council, or of the Court of Directors, or whatever they be termed, I should say, yes. But that is a matter of detail rather than of principle.

4159. While all the orders to India should proceed from the Minister of the Crown, the appointments to the offices should remain as they are, in the hands of the Company?—I think so.

4160. Mr. *Hume.*] Would there be any difficulty in the Secretary to the court

or to the council signing the orders just as is done now?—The whole of that is matter of detail, into which I have stated I am not competent to enter.

4161-2. Are the Committee to understand, that it is only after the committees have considered the various questions submitted to them in the different departments, and when their reports are brought into the general court, or the general council, you think the Minister ought to attend to hear the opinions of the members of the court?—Yes.

4163. Mr. *Hardinge.*] Would you propose any change in the constituency which would have to elect the remaining portion of the Directors not self-elected?—I have not contemplated any change; I do not approve, certainly, of the constituency which I have heard proposed, composed of the holders of the Company's paper in England and India. That would have a tendency to lead men in high office in India, just at the time when they ought to be most independent, to be canvassing for seats in the Direction.

4164. You cannot, at this moment, recommend any change in the present constituency?—No, I am not prepared to do so.

4165. You have suggested that the system of purchase should be adopted in the Indian army; do you think you would get a better class of officers by such a system?—I do not know that you would. As far as I have seen, the class of officers in the Queen's army in India, and in the Company's army in India, seem to be pretty nearly the same; I am not competent to compare them with officers in the Queen's army elsewhere.

4166. Then the Horse Guards would have the patronage, inasmuch as they would select officers for purchase?—I do not know that that follows as a necessary part of the scheme of purchase; the selection might still remain with the two governing bodies, as far as that is a matter of patronage.

4167. Do you think that Parliamentary and political influence in matters relating to India is very much to be deprecated?—Very much to be deprecated.

4168. With regard to the responsibility of the President of the Board of Control, is not the President of the Board of Control practically responsible to Parliament at this moment?—No doubt he is.

4169. In fact, even in matters of peace or war he would be responsible?—He is responsible now.

4170. Sir *T. H. Maddock.*] Are you aware of any reason why the proprietors of East India stock should have anything more to say to the appointment of the officers who are to govern India than any other class of men?—As an abstract question, none whatever, except the fact that they have it now.

4171. By maintaining that system are not you perpetuating this very sham of which you think it is desirable to get rid?—I did not speak of that as having any connexion with what I said had the appearance of a sham; it was the manner in which the Court of Directors was presented to the public that I thought unreal.

4172. You would retain the scheme of giving the proprietors of East India Stock a *quasi* share in the Government of India, because you know of no means of getting rid of such an anomaly?—Because I have no better scheme to propose.

4173. Mr. *Hume.*] Are you not aware that by the Act of Parliament the Court of Directors are the protectors of the East India proprietors, and that they are held responsible for the management of the revenues of India, from which their dividends are to be paid?—Not as separate from the Board of Control, I suppose.

4174. Mr. *Mangles.*] Was the plan which you have now enumerated formed in India or since you have been in this country?—A common subject of conversation in India is the reconstitution of the Government, and the question whether it should be under the Crown or remain as it is at present; and, as I have said, I find a number of opinions are in favour of the one plan over the other. The details of the scheme have rather been followed out since I came home, but the general plan was in my head when in India.

4175. Do you think that the Government of India as a whole has been decidedly good or decidedly bad, under the present system?—Decidedly good, unquestionably.

4176. Do not you think it rather hazardous to make any extensive change in that which has worked so well?—If this be considered an extensive change I do not see any hazard in it. I would not propose anything that I thought hazardous.

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It does not appear to me to be either an extensive change in itself, or to involve any real hazard.

4177. Has the direct Government of the Crown in our former North American colonies, or in the colonies now existing, been so good or so fortunate in its results as to warrant the belief that what has been good in the case of India, will be still further improved by the change you mention?—No; and if I proposed anything at all similar to the method of governing the colonies at that time, I should think I was incurring considerable hazard; but what I suggest seems to me to be entirely different, and to have many safeguards which that mode of Government had not.

Lunæ, 9° die Maii, 1853.

MEMBERS PRESENT:

Mr. Baring.	Sir George Grey.
Sir James Hogg.	Mr. Hardinge.
Mr. Elliot.	Sir Charles Wood.
Mr. Clive.	Mr. Vernon Smith.
Mr. Spooner.	Mr. Labouchere.
Sir R. H. Inglis.	Mr. Cobden.
Mr. Hildyard.	Mr. Hume.
Mr. Mangles.	Sir T. H. Maddock.

THOMAS BARING, Esq., IN THE CHAIR.

Frederick James Halliday, Esq., called in; and further Examined.

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4178. *Chairman.*] REFERRING to the evidence which you gave at the last meeting of the Committee, are we to understand that it is your opinion that, under all existing circumstances, it is prudent and desirable to maintain, with some modifications, the present system of double Government for India, and that it would be safer and better to introduce no organic changes in the construction of the system of Government at home?—My idea certainly is, and I gave my evidence under that impression throughout, that organic change is not desirable; though it is desirable to modify, as much as might seem necessary, the existing institutions; to reform them only as far as they need reform, and to keep them otherwise in all their integrity. For instance, the system of double Government and election by the Court of Proprietors has undoubtedly, whatever defects may be attributed to it, the good effect of keeping out mere party differences and discussions from the Government of India; that good I would, on no account, do away with. But, on the other hand, the mode of transacting business between those two branches of the double Government, appears to me defective, and for that I ventured to suggest a remedy; my whole object throughout being to endeavour to suggest merely such necessary alterations in the system as should insure its better working in future; but for that purpose I would recommend nothing like organic change, nor anything beyond careful, and even, I may say, experimental alteration at present, in a matter of such very great importance.

4179. With reference to the system of education now adopted at Haileybury, do you consider that system to be calculated to insure, as far as any system can insure, competent persons to fill the situations of civil servants in India?—The system pursued at Haileybury has undoubtedly given a number of very competent persons to the administration of the Government in India; but it has also allowed a proportion to creep into the service who were certainly unfit, and who, under an improved system, ought, I think, to have been excluded. So far I doubt whether Haileybury has perfectly fulfilled its object, which I take to be not only the instruction of persons intended for the administration of offices in the Government in the East Indies, but also to be, in some sort, a safe and legitimate check upon any indiscriminate exercise of patronage that might otherwise be expected to occur. I have an impression myself that you might secure the objects for which

which Haileybury is constituted quite as well by having an independent board of examiners, and allowing the candidates and persons nominated to employment in the East Indies to qualify themselves where they please, and then to present themselves for examination, and to receive their appointment after they have passed an examination up to a sufficient standard.

4180. You consider that no new special system of education would be required?—Undoubtedly a special system of education would be required; but my idea is rather that it should be insured by means of a special examination, than by a special place of education erected and supported by the Government.

4181-2. You think that the means of obtaining the necessary education might be found elsewhere as well and as conveniently as at an institution organised for the purpose?—In everything which is now taught at Haileybury, except perhaps (and I am not quite sure even of that exception) the Oriental languages; but with regard to the Oriental languages, I am decidedly of opinion that their acquirement had better be entirely postponed till the candidate arrives in India, and that all the time that he can spare in this country should be devoted to the acquirement of such branches of necessary knowledge as he can acquire best in England, and perhaps only in England; and not at all, or only very insufficiently, after he arrives in India

4183. Would not a special application to the study of law be required?—No doubt; but I have no reason to suppose (though labouring under a necessary ignorance of things in this country) that the study of the law could not be prosecuted even better, at all events as well, out of Haileybury as in it.

4184. There has been an opinion expressed by a previous witness that the present mode of education, by keeping students who are to be the civil servants of the Company together, has a useful moral effect upon them when they are afterwards distributed throughout India; that it has the effect, as it were, of a kind of a public opinion on the part of those with whom they had been associated for the purposes of education; do you attach any importance to that observation?—I attach a certain degree of importance to it, no doubt, but not so much as some persons do; particularly as I think that the object itself is almost as completely attained by the persons in question being combined in one service after they arrive in India. It may be said, also, that though what has been alluded to in the question is an advantage, there may be at times somewhat of disadvantage in it, as the *esprit de corps* may occasionally act in both ways; it may act against the public as well as for the public. On the whole, I should not attach any great importance to the fact, though I do not deny the fact.

4185. Supposing it to be thought desirable to maintain the College of Haileybury, have you any opinion to give to the Committee as to any improvements in the system?—Supposing the college to be maintained, I should still be disposed to prefer that the Oriental acquirements should be left entirely until the student arrived in India, and that the tuition at Haileybury should be directed entirely to European forms of knowledge, such as cannot be acquired so well in the East. I think also, that a longer term is necessary to complete the acquirement of those branches of knowledge which seem to be necessary to fit men for the important duties they have to fulfil in India; and I am decidedly of opinion that it would be better that those who examine the student at the close of his career at Haileybury, should, like those who examine him before he enters the college, be entirely independent of the college.

4186. Would you then recommend that they should not be sent to India at as early an age as they go now?—I do not know that, on the whole, they go to India very young. On the contrary, of late years, I think they have gone at a more advanced age than they did formerly. My answer was chiefly directed to the object, whether they go young or go old, of keeping them at the place of instruction a sufficient time to insure their reaping proper advantage from it, which I doubt whether they can do now at Haileybury, in the course of merely two years.

4187. Do I understand you rightly that you think that the giving more time at Haileybury to the other studies, apart from Oriental languages, would have the effect of so improving the education of the civil servant as not to require that he should leave the college at an older age than at present?—I still think that three years spent at Haileybury would be better than two.

4188. Mr. *Mangles.*] You said that you think it desirable that the young men preparing for the civil service should be left to qualify themselves where they can.

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Do you know whether any place of education exists in England where the different studies which are pursued at Haileybury could be pursued simultaneously?—I am not aware whether there is any single place of education in England where the studies now pursued in the one institution of Haileybury could be simultaneously pursued; but I know that institutions have sprung up and are springing up every day, which prepare for Haileybury even in the special matters; and I suppose that if there were a public demand for institutions of that sort, institutions would arise. I cannot imagine that the tuition which is now obtained at Haileybury could not, in such a country as this, be obtained readily elsewhere.

4189. What superiority would such institutions, springing up of themselves spontaneously to meet a demand, have over Haileybury?—In answer to the question, whether there were such institutions, I said that such institutions might spring up; but I was not suggesting that the education at such distinct institutions would have any advantage over the present education at Haileybury.

4190. If such institutions do not exist, and if, as you say, they would rise up to meet the demand, they must be distinct institutions?—Take the various subjects of instruction at Haileybury at present; you teach classics, mathematics, law, history, and political economy, together. It is conceivable that a portion of those might be taught to a young man at some other institution, or even at home; and he could afterwards acquire the rest one at a time, or two at a time, at different places and in different manners, until he became perfect, and able to pass an examination, such as might be required as a final examination.

4191. Do you think that such a sort of piecemeal education would be desirable?—It appears to me to be somewhat the sort of education that takes place to fit men for all special employments in this country, or in any country. Boys in school do not learn, generally speaking, anything but one or two branches, and those the most elementary; and they afterwards proceed at other places, and with other tutors, to fit themselves for civil engineers, or lawyers, or physicians, by whatever special education may be necessary for their career in life, without thinking it necessary to acquire it all at once in any one place.

4192. Do you think that at any institution which now exists, or at any that would be found to meet the demand, such instructors as Sir James Mackintosh, or Mr. Malthus, or Mr. Empson, or Professor Jones, would be found; men of such eminence in their professions?—The question seems to imply that there is no place but Haileybury at which a man can acquire such a knowledge of law, or such a knowledge of political economy, as he does there, which appears to me to be contrary to the fact. If men in England acquire much greater knowledge of law, and much greater knowledge of political economy, and of other sciences, than any of our students hitherto have acquired at Haileybury, I suppose it is entirely because they have equally good teachers elsewhere as the very eminent persons alluded to at Haileybury.

4193. Had you ever the advantage of attending Sir James Mackintosh's lectures?—I had.

4194. For how long?—For one term.

4195. Do you think that instruction equal to that is to be obtained at any other institution in the country?—My knowledge of the institutions in this country is extremely scanty. I can only draw inferences from what I see around me. I think there must be many men in this country, who, after six months' tuition in law at some place, have acquired a much greater knowledge of law than I acquired by my six months' tuition, under Sir James Mackintosh, at Haileybury. I do not mean, and I am not competent to say a word in depreciation of Sir James Mackintosh, or his memory; it would be absurd and presumptuous in me to do so; but it does not seem to me that the fact of his great eminence is one upon which you can build the argument that nowhere else could any similar teacher be found.

4196. Is there, practically, any instruction in law, or political economy, at either Oxford or Cambridge, for young men?—I am not aware whether there is or is not. Upon these matters I profess great ignorance; but I suppose that if a demand either at Oxford, or Cambridge, or anywhere else, arose for instruction in political economy, in a country like this it would be supplied.

4197. Has it been supplied?—Somehow or other people here learn both law and political economy, without going to Haileybury.

4198. Sir *G. Grey*.] Do you think that if a certain standard of acquirement were fixed as a qualification for civil servants going to India, the course of study would

would be adapted so as to prepare young men to pass the examination?—I have that impression, certainly.

4199. Mr. *Hildyard.*] Are you aware that "Blackstone's Commentaries" were based upon lectures delivered in the University of Oxford, and that that book has proved one of the most valuable text-books that has been written on the law of England?—I have a general knowledge that such was the case, and also that lectures have been delivered at Oxford upon political economy; but I do not wish to profess any knowledge of detail in this country. It appears to me, generally, from all that I see and hear, that if knowledge is necessary there must be means of acquiring it in this country.

4200. Mr. *Mangles.*] Practically, has the instruction at the Universities accommodated itself to the wants of the times?—It is in the course of accommodating itself; but I am not very competent to speak upon that subject.

4201. Sir *R. H. Inglis.*] Do not your late answers apply rather to the case of persons more advanced in age than of youths, such as it is proposed to send out to India?—No; my answers related to no particular age. It appears to me that, generally speaking (with great ignorance on my part of institutions in this country), if there be a demand for education at any age, or in any branch of knowledge, you are pretty sure to be able to obtain it.

4202. Without contesting your general principle, you are requested to state whether there be or be not actually in existence any other institution similar to Haileybury, in which young men can be taught the elements of political economy as well as of law?—I am not aware of any other institution; there may be many without my knowing it; of course I am necessarily ignorant of these things in this country.

4203. At all events, is there any institution now in existence which had such men as Haileybury has had, as professors and principals?—There may have been institutions where there have been professors of law as eminent as Sir James Mackintosh, and professors of political economy as eminent as Mr. Jones; I should incline to think that there are at this moment.

4204. Mr. *Mangles.*] Have you personally a grateful recollection of the instruction which you received at Haileybury?—I have, undoubtedly.

4205. Sir *T. H. Maddock.*] Adverting to the question put to you by the Chairman, are you of opinion that the advantages of educating the young men designed for the civil service together in one institution such as Haileybury, and the other advantages to which you referred, which would arise from their being brought up for special examination, might be combined by fixing the place of education at one of our great Universities, and establishing there professors in those particular branches which have been alluded to?—I confess I think that, if you are to establish any special place of education for candidates for employment in India, things had better remain as they are.

4206. Mr. *Hardinge.*] Do you think that the course of study in the College of Fort William is sufficiently stringent?—At the time I am speaking now, it is more strict than it has been for many years past; a great change has taken place, I understand, even since I left India, and a greater degree of strictness has been introduced; so that, possibly, it may be at this moment as strict as is necessary; when I left India I do not think it was as strict as was necessary.

4207. Would you recommend any change in the course of study pursued there?—I think that, supposing it not yet to have been introduced, which I have some reason to think it has been, a better mode of teaching Oriental languages might be introduced in Fort William than was prevalent there when I left India. I think, also, that a greater degree of strictness of discipline might well be introduced, such as insisting upon attendance at college lectures, and greater strictness in regard to conduct, and in respect to the examinations. I have, however, reason to think that those alterations have actually been introduced, or are in course of being introduced.

4208. Sir *J. W. Hogg.*] Do you think it would be better to limit the study of the Oriental languages in this country to the principles and the grammar of the languages, such as can be obtained from book study, as well in one country as in another?—If you teach any part of the language to persons in England, certainly that is the mode which I should be disposed to recommend.

4209. To lay the foundation merely here and allow the superstructure to be reared in India?—Unquestionably.

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4210. Do you think it is desirable that students at Haileybury, or elsewhere, intended for the civil service in India, should devote any of their time to the study in this country of Sanscrit or Arabic?—I confess I do not.

4211. You would rather limit their study, even of principles, to those languages which are at present spoken languages?—Merely to the elements of the actual vernacular languages which they would be called upon to employ in the business of the country.

4212. Sir *T. H. Maddock.*] But you would, upon the whole, think it unnecessary to give them any instruction whatever in this country in Oriental languages?—I should think it unnecessary.

4213. Sir *C. Wood.*] Would not you even give them the rudiments of any of the languages used in India?—I have no great objection to their being given the rudiments, if you confine it to that; but I do not think it necessary. I believe that, after all, what you would give in that way would be so trifling, that it might just as well be commenced in India.

4214. Even upon the supposition of there being no residence in Calcutta upon their arrival?—Yes.

4215. *Chairman.*] From your experience, should you say that the civil servants sent out to India are as competent a body of men as would be selected from any other classes in England by any mode of appointment?—I have not much upon which to found a comparison; but certainly they are upon the whole a very competent body.

4216. Mr. *Hardinge.*] Have you ever heard complaints of a want of knowledge of Bengali amongst your young civilians?—There has been in past years, and even I may say almost up to the present time, a great complaint of a want of knowledge of Bengali; that is actually being remedied; the young men who leave the college at present for employment in Bengal being now as fully instructed in Bengali as can be desired. But the civilians of former days certainly knew very little of Bengali; it was not the custom to use it; a civilian who was able to transact his business in Bengali in the Lower Provinces was a rarity.

4217. Sir *J. W. Hogg.*] Has not the rule requiring young civilians to pass in two languages within a prescribed time, or in failure thereof to be sent home and lose their appointment, been of late rigidly enforced?—It has been rigidly enforced.

4218. Both in Bengal and at Madras, and in Bombay?—It has been rigidly enforced as far as the authorities external to the college are concerned; but there has been one fact observable with regard to that question that must of necessity be mentioned; namely, that when a young man has repeatedly failed up to the very last moment, and has been allowed the usual six weeks to prepare himself for leaving India for England, with absolute notice to quit in case of failure, it has almost invariably happened that in the course of those six weeks, though he was very ignorant before, he managed somehow to pass; and beyond all doubt that has caused in the minds of many persons a suspicion that the college authorities were not so strict as they ought to have been. That is one of the laxities of discipline to which I alluded in my answer to a previous question, and which I believe now has been remedied.

4219. Has not that culpable indulgence of granting six weeks been actually refused in recent cases, and have not young gentlemen been sent home where that indulgence was refused them?—I am not aware whether the indulgence has been refused, but I know more than one case in which a young civilian has been actually sent home for failing to pass within the prescribed time. I was under the impression that in these cases the six weeks had been granted, and still the young man had failed to pass.

4220. You know that young men have been recently sent home, both from Bengal, Bombay, and Madras?—Yes, with unsparing strictness on the part of the Government authorities.

4221. And having been sent home, they have lost their appointments?—They have.

4222. Sir *T. H. Maddock.*] Do you know how many young men have been sent home from Bengal under those circumstances during the last 10 years?—I cannot answer the question as to the number, but I should say certainly very few; but the Government has not spared to send home any of whom the college authorities have, in the prescribed time, reported that they had not passed.

4223. Is the inference to be drawn from your former answer that the rule has been

been more rigidly enforced in the last year or two than it had been in previous years during the last 10 years?—In the last year or two the cases have been more numerous; whether the rule has been more rigidly enforced I am not prepared to say. My impression is, that in that particular matter the authorities of the Government have been unsparingly strict, but that the authorities of the college have, up to a comparatively recent period, been somewhat lax.

4224. Do you think that during the last 10 years the circumstance of a student having passed at the college of Fort William has afforded any guarantee whatever that he was, in respect to languages, fit for the public service?—The mere fact of having passed at the college of Fort William furnishes no such guarantee; but a certain number of those who passed through the college of Fort William would pass through it with distinction as to their acquirements in languages; and as to those the college course at Fort William affords undoubtedly a guarantee.

4225. In what year was the subsequent examination of young civilians in the native languages established?—In the year 1850, I think.

4226. Since the establishment of that rule, the Government has the means of ascertaining the fitness in respect to their knowledge of languages of all the young civilians employed in Bengal?—It has, undoubtedly, and a much greater amount of fitness is in process of being enforced.

4227. Mr. *Mangles.*] Will you state to the Committee the nature of the three successive examinations to which young civilians are subjected?—I am not sure that I can describe it in detail, but it actually exists upon paper, and may be before the Committee, no doubt, if they think fit to call for it. I should say, generally, that it consists of an examination as to their knowledge of the vernacular language, increasing in strictness from the first to the third; and at the third examination they are tested as to their knowledge of the Regulations and rules of practice in the different courts and offices in which a young civilian is to be or has been employed, so as to test, in the last of the three examinations, whether the student has really a fitness for further advancement in the service.

4228. They are not capable of advancement beyond a certain point, till they have passed the second examination?—They are actually incapable of advancement, till they pass the second, and incapable of further advancement till they have passed the third. The examinations are very strict, and their strictness has been very much complained of by those subject to them, and even by some others. If there be any error in them, it is not on the side of laxity, certainly.

4229. *Chairman.*] Passing now to the question of the present system of government in India, is it your opinion that the seat of the Supreme Government should still be at Calcutta, or would you suggest a change?—I think the seat of Government ought to be at Calcutta; in the first place, because it is there; and I should be very unwilling to change a great fact of that sort without very strong reasons. Further, it is easily accessible from the other presidencies and from Europe; it is not easily assailable, as I understand, in a military point of view; it is the commercial capital, and must therefore of necessity be the financial capital of the Government, where all the financial transactions are carried on; but what I chiefly lay stress upon is, that it is a place where the largest and most intelligent and most influential body of Englishmen unconnected with the Government is congregated, and their presence and residence there has a very useful, liberalising effect upon the Government of India at all times, in executive as well as in legislative matters. Such, I think, would not exist, and the want of it would speedily be found if the Government was separated from that body, and placed in another part of the country, apart by itself.

4230. You think that there is no objection to having the seat of government in a position that is not central, like Calcutta?—That is an objection, but it is counterbalanced by the advantages which I have alluded to, and perhaps others; the formation of electric telegraphs and railways will, of course, remedy that by degrees as fast as they are instituted.

4231. Do you share in the opinion that it would be desirable to have a separate Governor of Bengal distinct from the Governor-general?—I am not one of those that anticipate any inordinate amount of good from the change; indeed, I have had some hesitation about it altogether; but a change of some sort or other in the Government of Bengal seems to be forced upon the authorities, from the manner in which the government has been carried on in years past, of which I have a statement here, which, if the Committee permit me, I will put in; it is a statement showing

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showing the changes in the office of Governor and Deputy Governor of Bengal, from the year 1834 up to the latest period.

4232. Will you have the goodness to read it?—

[*The same was read, as follows:*]

MEMORANDUM, showing the Changes in the Office of GOVERNOR and DEPUTY GOVERNOR of *Bengal* since the 22d of April 1834, the Date of the last Charter Act.

		FROM	TO	PERIOD: Years.	Months.	Days.	
Sir Charles Metcalfe -	- - Deputy Governor.	22 April 1834	13 Nov. 1834	-	6	22	- The Governor-General, Lord William Bentinck, at Ootacamund.
Lord William Bentinck	Governor -	14 Nov. 1834	19 Mar. 1835	-	4	6	Returned to England.
Sir Charles Metcalfe -	Governor -	20 Mar. 1835	3 Mar. 1836	-	11	14	Relieved by Lord Auckland.
Lord Auckland - -	Governor -	4 Mar. 1836	20 Oct. 1837	1	7	17	- - Proceeded to the Upper Provinces.
A. Ross, Esq. - -	- - Deputy Governor.	21 Oct. 1837	14 Oct. 1838	-	11	24	- - Retired on the completion of his period of service.
Colonel W. Morison -	- - Deputy Governor.	15 Oct. 1838	16 June 1839	-	8	2	- - - Ditto.
T. C. Robertson, Esq. -	- - Deputy Governor.	17 June 1839	26 Jan. 1840	-	7	10	- - Appointed Lieutenant-governor North-Western Provinces.
W. W. Bird, Esq. -	- - Deputy Governor.	27 Jan. 1840	10 Feb. 1840	-	-	14	Relieved by Lord Auckland.
Lord Auckland - -	Governor -	11 Feb. 1840	27 Feb. 1842	2	-	19	- - Relieved by Lord Ellenborough.
Lord Ellenborough -	Governor -	28 Feb. 1842	10 April 1842	-	1	11	- - Proceeded to the Upper Provinces.
W. W. Bird, Esq. -	- - Deputy Governor.	11 April 1842	18 Sept. 1844	2	5	8	- - Lord Ellenborough returned to the Presidency on the 13th July 1843, but continued Mr. Bird in the office of Deputy Governor. Lord Ellenborough proceeded to the Upper Provinces a second time on the 25th November 1843, and returned on the 28th February 1844, but did not relieve Mr. Bird. Sir H. Hardinge became Governor-General on the 22d July 1844, but immediately made over the Government to Mr. Bird, who retired on the completion of his period of service.
Sir H. Hardinge -	Governor -	19 Sept. 1844	21 Sept. 1845	1	-	3	- - Proceeded to the Upper Provinces.
Sir Herbert Maddock -	- - Deputy Governor.	22 Sept. 1845	11 Jan. 1848	2	3	20	- - Lord Hardinge returned to the Presidency on the 11th December 1847, but continued Sir Herbert Maddock in the office of Deputy Governor. Sir Herbert was relieved by Lord Dalhousie.
Lord Dalhousie - -	Governor -	12 Jan. 1848	10 Oct. 1848	-	8	29	- - Proceeded to the Upper Provinces.
Sir Herbert Maddock -	- - Deputy Governor.	11 Oct. 1848	11 Mar. 1849	-	5	1	- - Retired on the completion of his period of service.
Lieutenant-general Sir J. H. Littler.	- - Deputy Governor.	12 Mar. 1849	29 Jan. 1852	2	10	11	- - Lord Dalhousie returned to the Presidency on the 7th March 1850, but continued the Deputy Governor in office, and proceeded a second time to the Upper Provinces on the 15th April 1850; returned 30th January 1852.
Lord Dalhousie - -	Governor -	30 Jan. 1852	—				

It

It will be seen that in less than 18 years, there have been 17 changes in the Executive Government of Bengal: that of these, the longest period of consecutive rule was 2 years, 10 months, and 18 days, and the shortest only 14 days: that 10 of the 17 rulers were in power for less than 12 consecutive months each, and on an average only six months and a half each; of these 10 four were in power for less than six consecutive months each: that of those who held the Government for 12 months and upwards, only four held it for more than two years, and only one for more than two years and six months. It will be seen, also, that during the 17 years and 9 months embraced by the Statement, the Executive Government of Bengal has been held by deputy or temporary Governors for 11 years and 10 months, the duties of the Supreme Government not allowing the Governors-general to give to the local Government a longer period out of the whole term than 5 years and 10 months. During all the term of the present charter, the empire has been largely increasing in extent, and the duties of the Governor-general in the Supreme Government have been growing constantly more onerous. It is not likely that future Governors-general will be able to devote to the affairs of Bengal more time than has been given by them to that Government in past years.

4233. Will you state what you consider to be the practical inconvenience of those changes?—The practical inconvenience is, of course, the great uncertainty in the system of government, it being constantly in a state of fluctuation, passing from one hand and from one mind to another; an avowed want of feeling of stability as regards the Government in the minds of those persons subject to it, as well as the servants of the Government; a necessary absence of sustained action in any particular department, and a great amount of transition and uncertainty in all measures emanating from so many minds in such a comparatively short space of time. Also great weakness, arising, of course, out of the facts I have alluded to, inseparable from them, and affecting the whole march and course of the Government in all its transactions.

4234. Do you consider, then, that the system of Government is changed in the change of Governor?—To a certain extent it inevitably is so. The new Governor is apt either to change it a good deal, or to do nothing, and to take comparatively small interest in it. It has always been found that the most efficient Governors, those who have given the most attention to the affairs of the Government, have been those who felt that they were in power for a longer period than usual; and it has often been the case that the government has passed from time to time into the hands of men who were aware that they would not be in possession of authority long enough to acquire the necessary knowledge to administer it with effect.

4235. Has that weakness of the Government caused a feeling of insecurity as to property, or life, or person?—*I think that weakness of the Government has* been the foundation of a great many of the evils that have been described by witnesses before the Committee in the system of Government. *It has prevented* an improved administration of justice, and the police, and other improvements in various parts of the machine of the Government; and no doubt it has caused various parts of the machine to fall into a state of looseness and inefficiency.

4236. If you are doubtful as to the propriety of having a separate Government at Bengal, what would be the plan you would suggest for the purpose of remedying those evils of which you have spoken?—I did not express myself as doubtful of the propriety of having a separate Government. It appears to me to be a thing almost forced upon the Government by the state of the case. I should very much prefer, myself, that the Government should remain, as it was intended by the existing Act of Parliament, in the hands of the actual Governor-general, who, almost in all instances, whenever he has found time to devote his attention to the affairs of the Government of Bengal, has done it with remarkable power and effect. I think in parting with him as Governor of Bengal, you part with very great advantages arising out of his rank and knowledge and statesmanship at the head of affairs in that country. You part, also, with this particular advantage, that it is through the administration of local affairs as Governor of Bengal, for the most part, that the Governor-general has the means of acquiring that knowledge of the internal affairs of the country, which, in fact, fits him for a great part of his duties as Governor-general. Therefore, if it were possible that things should continue as they are, I, for one, should think it an advantage. But, looking at the manner in which it has worked during past years, and seeing that the Governor-general has rarely had time to devote himself for

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any sufficient period, and with sufficient intensity of application to the affairs of Bengal, and that the business of the Governor-general has increased, and is increasing in the Government of India, so that if he has not had leisure in past years to apply himself to the local Government, there is still less likelihood of it in future times, it appears to me that some sort of alteration is absolutely necessary. The alterations which have been suggested are, either that the Government should be placed in the hands of a separate Governor, or Lieutenant-governor, as is the case in the North-western Provinces, or that it should be placed, as it was before 1834, in the hands of the Governor-general and his Council. There is good and evil in both those suggestions, and I have not been able myself to invent a third. Of the two I prefer a single Governor, though I am far from supposing that out of such an arrangement so much good will spring as has been supposed by many, or as has been prophesied, from the abundant advantage that has sprung out of the administration of Mr. Thomason in the North-western Provinces. Mr. Thomason's administration has been, no doubt, most fortunate, but such men as Mr. Thomason are very rarely to be found; and it would be very difficult to supply his place, if he were to vacate his appointment at this moment, from amongst the service. What is more particularly applicable to his case as well as to the case of Bengal is, that Mr. Thomason was selected at a very much earlier age than it is at all probable that any future selections of the kind will in general be made; and it is to the personal vigour which a man can hope to enjoy in India only for a comparatively short number of years, that the fortunate and successful results of Mr. Thomason's administration are undoubtedly, in a great measure, to be traced. If the Government of Bengal, or any other portion of the Eastern Territories, should fall, term after term, into the hands of an officer of the service who has risen to the very highest ranks, and passed a long period of service in that country, it will undoubtedly happen that, in a great number of cases, it will fall into hands which, however efficient they may formerly have been, will not, during the term of his holding the particular office, generally be adequate to the duties to be performed. On the other hand, if you entrust the Government to the Governor-general in Council, you will not, in fact, relieve the Governor-general, I believe, at all; for the Governor-general will still feel himself, as he does now, responsible for everything that is done in the Council, and he will take as much share in the business of Bengal as he does at present when he is the sole Governor; the only effect being that the vigour of his Government will be somewhat impaired by his being joined with the members of his Council, who may not always feel so great an interest, and will never feel such an amount of responsibility. Add to which that, under that system of a Governor of Bengal with a Council, you would lose the important advantage of the occasional tours which a single and separate Governor is enabled to make throughout the territories under his administration, and which have under Mr. Thomason's government done so much, and which would be capable of doing so much good in the Government of Bengal. On the whole, then, feeling that it is a choice of difficulties, I incline to the system of a separate Governor or Lieutenant-governor, or Deputy-governor, under the Governor-general, for the administration of the affairs of Bengal. If, however, this plan should be adopted, I should very much doubt the propriety of placing the Government of Calcutta itself under that single officer, but I should be inclined to place it at all events under the Governor-general in Council, and in the absence of the Governor-general then under the Council; giving if possible in that Council, for such purposes, a seat to the separate Governor or Deputy-governor, or Lieutenant-governor of Bengal; so that, in all matters relating to Calcutta itself, the Council sitting on the spot should have their just power and authority.

4237. Would that arrangement free the Governor-general from that press of business which results from the present system?—Entirely.

4238. Would you have the Governor of Bengal with or without a Council?—Without a Council, except as regards the affairs of Calcutta, in which I should be disposed, if possible, to associate him with the Council; at all events when the Governor-general was not actually present, and I incline to think at all times.

4239. Sir *C. Wood.*] You would make Calcutta like Washington, in the United States, the territory of the Government of India?—Just so; but it would be very desirable that the Deputy or Lieutenant-governor of Bengal should have a voice in that Council, because of the inevitably close connexion of all affairs in the management of persons and things in Calcutta with those beyond Calcutta.

4240. Do you mean that the Deputy-governor of Bengal should only have a seat in the Council when they were discussing matters respecting the Government of the Calcutta territory?—I think, as regards the Government of the Calcutta territory, he should certainly have a seat. I was speaking only with regard to that; but I think also that the Governor of Bengal should have a seat and a voice in the Council when they are discussing matters regarding Bengal itself.

4241. *Chairman.*] You think that the Governor of Bengal should have a permanent seat in the Executive Council of the Supreme Government?—I think he should have a right to sit and vote in the Executive Council on matters regarding Bengal.

4242. But only to sit in the Council upon those occasions?—At all events not to vote upon other matters; if he sat at other times it would be only as a matter of convenience; I should not imagine that he would sit except on matters regarding Bengal.

4243. Sir *C. Wood.*] You would not put the Deputy-governor of Bengal permanently, and for general purposes, into the Council of the Government of India?—No.

4244. But you would permit him to sit in the Council of India, in reference to questions concerning the Government of Bengal, just as the Lieutenant-governor of Madras, or of Bombay, or of the North-western Provinces, would sit at present in the Council of India, when it was assembled within their respective Presidencies?—Just so.

4245. Mr. *Mangles.*] Is it desirable that he should attend for legislative purposes, when that legislation relates to Bengal?—I am speaking at present only of the Executive Council; but I am of opinion he should be a permanent member of the Legislative Council, and for all subjects.

4246. Mr. *Cobden.*] With reference to the frequent changes which have taken place in the Government of Bengal, will you explain the reason of those very frequent changes?—They almost invariably arose from the absence of the Governor-general from the Presidency; his going to other parts of the territory on public duty.

4247. Sir *G. Grey.*] What was the reason of the same person not having been allowed to act in the absence of the Governor-general, on two or three occasions which happened near together in point of time?—So far as I know, it was so invariably when the same person was present to be appointed; but in a great number of instances the person appointed at one time was not in Council on the next occasion. The great reason is, that the senior member of Council has invariably been selected by the Governor-general to fill the post of Deputy-governor.

4248. *Chairman.*] In whom do you think that the appointment of the separate Governor of Bengal should be vested?—Either in the Governor-general, or in the Government at home, as might be thought fit.

4249. What would be the qualification for the separate Governor of Bengal; does your plan involve the necessity of having in that situation a civil servant who has had considerable experience?—Not of necessity, certainly. I imagine that, in the greater number of instances, such a person would be appointed; but I should not think it right to limit (if the appointment was from home, at all events) the discretion of those in whom the appointment was vested.

4250. Mr. *Labouchere.*] Would you wish it to be considered an appointment of the same rank and importance as the Governorships of Madras and Bombay?—Quite so.

4251. Sir *J. W. Hogg.*] At present the Governor-general, in appointing the Deputy-governor, is compelled to appoint one of the existing members of Council?—He is so.

4252. If the law were so far changed as to enable the Governor general to appoint any member of the civil service of the prescribed standing, would not that carry out the views which you have mentioned?—I do not think it would, for two reasons: first, that the law at present permits the Governor-general to appoint any member of the Council, and yet he has always chosen the senior; I think the influence that has hitherto caused that would be apt to prevail in future, and that there still would be a tendency to appoint the senior, from a notion that if the senior member of Council was not appointed it would be a slur upon him; and I think that would not answer the purpose for another reason, that it would not prevent the repeated changes.

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4253. My question was, assuming the law to be changed, and that there was to be a permanent Governor or Lieutenant-governor of Bengal selected at the discretion of the Governor-general from any member of the service, and not confined to the members of Council, would not that carry out your views?—To a great extent it would; but in that case I should think it necessary that the selection should be made from persons not in the Council, unless the person selected went out of the Council as soon as he was appointed.

4254. If there was a Lieutenant-governor of Bengal, it would necessarily follow that if he was appointed Governor of Bengal, his seat in the Council would be vacated and another person would be appointed?—In that sense naturally so. But I am myself strongly of opinion that the appointment would, upon the whole, be better in the hands of the Home Government than in the local Government or the Governor-general.

4255. Sir *R. H. Inglis.*] You have called the attention of the Committee to the fluctuating character of the Administration of Bengal, arising from the frequent changes in the offices of Governor and Deputy-governor of Bengal. Will you look at the paper which you have given, and state whether, though it contains the names of 17 persons in a period of somewhat less than 18 years, there would be more than one instance in which any difference of opinion is likely to have prevailed between the person appointed and his successor, such a difference as was likely to have produced any alteration in the principles of the Administration?—The first on the list is Sir Charles Metcalfe; in the 2nd instance, Lord William Bentinck might have differed from Sir Charles Metcalfe; in the 3rd instance, Sir Charles Metcalfe again might have differed from Lord William Bentinck; in the 4th, Lord Auckland might have differed from Sir Charles Metcalfe; in the 5th, Mr. Ross might have differed from Lord Auckland; in the 6th, Colonel Morison might have differed from Mr. Ross; in the 7th, Mr. Robertson might have differed from Colonel Morison; in the 8th, Mr. Bird might have differed from Mr. Robertson; in the 9th, Lord Auckland might have differed from Mr. Bird; in the 10th, Lord Ellenborough might have differed from Lord Auckland; in the 11th, Mr. Bird might have differed from Lord Ellenborough; in the 12th, Lord Hardinge might have differed from Mr. Bird; in the 13th, Sir Herbert Maddock might have differed from Lord Hardinge; in the 14th, Lord Dalhousie might have differed from Sir Herbert Maddock; in the 15th, Sir Herbert Maddock might again have differed from Lord Dalhousie; in the 16th, Sir John Littler might have differed from Sir Herbert Maddock; in the 17th, Lord Dalhousie might have differed from Sir John Littler.

4256. In point of fact, was there any difference in more than one instance?—That is a fact which I am not capable of stating; but with different persons and different minds there is a possibility of great difference.

4257. Was there, in point of fact, any difference in the principles of administration in the cases of the successive individuals whose names are placed before the Committee upon that list?—Most certainly there was a very great and sensible difference.

4258. Out of that number of 17 names, is it not the fact that five names occur twice?—I dare say it is.

4259. Is it likely that, even if Lord Ellenborough differed from Lord Auckland, Mr. Wilberforce Bird would differ from Mr. Wilberforce Bird?—No, certainly not.

4260. Or Sir Herbert Maddock from Sir Herbert Maddock?—No; but without differing from themselves at previous times they would be liable to differ from the Governor-general who immediately preceded them, and the whole effect of variety would be occasioned, though the same name might occur twice or three times.

4261. Mr. *V. Smith.*] Independently of any difference of opinion and of principle between those gentlemen, do you conceive that there is inconvenience arising from the change of minds upon the subjects that come before them?—That is an inconvenience which is matter of notoriety in all the Government offices.

4262. In every public department?—In every public department.

4263. Mr. *Mangles.*] Was there not among many of those gentlemen considerable difference of opinion?—There was considerable difference of opinion.

4264. *Chairman.*] Do not you think that the objection might be met by the appointment

appointment of a permanent Lieutenant-governor to act in the absence of the Governor-general, and to assist the Governor general when present at Calcutta in the details of the administration?—I think that would be a much better plan than the present; but there would be this objection to it, that of necessity the position, and power and authority of the Lieutenant-governor so constituted would be greatly impaired by the notorious fact that he would at any time be liable to be superseded by the arrival of the Governor-general, and that he could pursue no continuous administration, or any system of measures; he would be obliged to refer everything at all times to the Governor-general; for if he felt, even when alone, that next year, or even next month, he would be associated with and superseded by the Governor-general in the administration of the affairs of Bengal, he would be unable to adopt any independent course of administration himself.

4265. You would not anticipate inconvenience from collision of opinion and authority between the Governor-general, when present in Calcutta, and a Lieutenant-governor, exercising almost independent authority within that province?—I think there would occasionally be inconvenience unless the Lieutenant-governor had a seat in the Executive Council, not that that would always prevent it, but it would, in a great degree, mitigate and modify it. I think, also, it would occur if the Governor-general, when present at Calcutta, had not the supreme executive power in the place in which he was sitting. For that purpose, I suggested that when the Governor-general is at Calcutta he shall be actual Governor in Council of the place in which he is sitting, as in a similar instance in Washington, in the United States.

4266. Supposing the appointment to be made by the Home Government, should you see no reason to apprehend that a person might be appointed as Governor for Bengal who is not conversant with Indian affairs?—I should very rarely anticipate that that would take place; I can imagine that there may be some instances in which a capable man sent from home might be better than a choice amongst incapable men in India; such might be the fact at any time if that were the position of circumstances. I should not wish to limit the Home Government in their choice, but I should anticipate that the choice would usually be made from capable persons having experience in India.

4267. In the case of the appointment of an individual who had never been in India, do you think that there would be no inconvenience in leaving him to act without a Council?—There would be as much inconvenience in leaving him to act without a Council as is now felt, and no more, in leaving the Governor general, as Governor of Bengal, to act without Council; it would be precisely the same thing.

4268. Then what you anticipate is the appointment of some experienced Indian servant, without making it an appointment by seniority?—Certainly, without making it an appointment by seniority, and without binding the authorities at home to appoint any member of any particular service.

4269. Would not the separation of the Government of Bengal from the office of Governor-general, diminish the patronage of the Governor-general as to impair his influence and authority?—It would not, in point of fact.

4270. Sir *T. H. Maddock.*] You would prefer that the Deputy-governor of Bengal should be appointed in England rather than by the Governor-general in Council; what would be your views with regard to the future appointment of the Lieutenant-governor at Agra?—In all cases I am disposed to prefer the appointment from home. I think appointments from home carry more weight. We know, in India, almost nothing of the reasons that influence any particular appointment. Hitherto we have seen that the appointments to high places, from home, have been made with remarkable care and propriety, and we have great confidence in the administration of the home authorities in such affairs; if the appointment were made in India, no doubt it might be usually made very well, but it would be liable to little petty doubts that are apt to arise upon the spot. It might be said that such a person was appointed, because he was immediately about the Governor-general, or because he had the means of obtaining influence over the Governor-general, or because he had particular thoughts in consonance with those of the Governor-general, or that he had succumbed to him, or had endeavoured to curry favour with him, in order to obtain this appointment. It might be thought also that the Governor-general might have appointed any particular person as much on account of his subserviency to him as for any

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particular fitness. Not that any of those reasons would really be true, but that such notions as those are likely to occur in a small community of that sort, and they would weaken the effect of the appointment. They would not occur if the appointment were made by a great power, like the Government of India in England.

4271. You would prefer that the Lieutenant-governor of Agra should be appointed in England?—Unquestionably.

4272. Is it your opinion that the much greater independence of the Governor-general that the appointments of these Deputy-governors by the authorities in England would give him, would be advantageous to the administration?—I believe, on the whole, it would.

4273. Mr. *Hardinge.*] If you deprive the Governor-general of his patronage, would not that weaken his authority?—The patronage which he would be deprived of as Governor of Bengal does not seem to me to be patronage of any particular importance in that respect; it is almost entirely, with scarcely any exceptions, the mere routine of raising persons from one office to another, who, by reason of rank or general admitted service, and, in a few rare cases, by reason of special and peculiar merit, are generally supposed to have a claim for those offices. The patronage of the civil service in Bengal is no source of power to the Governor-general, but rather a source of annoyance and vexation; it has none of the characteristics of patronage as the term is usually understood in this country, the appointments being made, for the most part, of necessity, arising out of the circumstances of the case; and with special instances of promotion by reason of particular merit. I believe it would be found to be absolutely necessary for the purposes of Government that the power of making those appointments should vest in the person actually administering the Government.

4274. Has it not been the custom for the Governor-general to retain the patronage of the North-Western Provinces?—Not of the North-western Provinces, certainly.

4275. Had not Lord Ellenborough all-important appointments submitted to him as Governor-general when he was up the country?—In the North-western Provinces, under Mr. Thomason, all the patronage, except the highest offices, in which a veto is reserved to the Governor-general in Council, has remained entirely with the Lieutenant-governor. In Bengal, except during the administration of Lord Ellenborough, the patronage (as we call it, for it is not real patronage), the duty of distributing, according to understood rules, the just promotion of persons in the service, and which is ruled, in a great measure, by seniority, and properly so ruled, has been exercised by the Deputy-governor under the constant control and superintendence of the Governor-general, and that mode of conducting the duty of promoting persons in the public service according to those general rules has been found exceedingly disadvantageous in practice.

4276. Are you aware that Mr. Thomason has rather upset the system of promotion by seniority in the North-western Provinces?—Mr. Thomason has done what was very necessary; he has prevented seniority from being the constant rule; but he has not upset the system of seniority, at least I hope not, because I look upon the system of seniority, upon the whole, to be one great and just safeguard for the purposes of good administration in India. The seniority system, I think, properly governs promotions in the civil service in India, subject to considerations of decided and marked merit. If you strike seniority entirely out of consideration, and leave the matter to merit alone, you will open the door to great, and sometimes just, imputations of jobbery; and, therefore, promotion by seniority, although liable to occasional exceptions on the ground of merit, seems to me to be the true mode of administering the civil service in India.

4277. What control would you give to the Governor-general over the appointments made by the Lieutenant-governor of Bengal?—The rule at present, in the case of the North-western Provinces, is, that the Lieutenant-governor of the North-western Provinces has the appointment to all offices, except the memberships of the Board of Revenue, and the judgeships in the Sudder Dewanny or Chief Court. To those, he nominates for the approval of the Supreme Government, that is, the Governor-general in Council, and he appoints after receiving their approval; the Governor-general in Council has, in fact, a veto upon the nomination of the Lieutenant-governor to those particular offices. I think that is a wholesome rule, and I think that that rule should be adopted in any future appointment of a Lieutenant-governor of Bengal.

4277*. Under the system you recommend, to what extent would questions relating to Bengal come before the Council?—Scarcely any, except those involving matters of principle or organic change, or of public importance, which the Governor of Bengal himself might send up to the Supreme Government.

4278. It would be discretionary with the Lieutenant-governor to refer any question he pleased to the Supreme Government?—Quite so.

4279. Sir *T. H. Maddock.*] You have stated that you think that the control of the Governor-general in Council over the Governor of Agra and the Governor of Bengal, in respect of appointments to certain offices, viz. the Sudder judges and the members of the Revenue Board, is desirable: if that is the case, would you extend the same control over the Governments of Madras and Bombay?—No, I do not think it necessary; there is a sufficient difference in the circumstances to render it unnecessary; particularly this, that the Governor-general in Council has no means at present of judging of the comparative fitness or unfitness of the members of the service in those other presidencies, nor is the Governor-general in Council ever on the spot; whereas, in Bengal, he lives and rules amongst the Government servants of the Presidency of Bengal, in the Upper and Lower Provinces.

4280. Supposing the Governor-general remains for two or three years after his arrival in India at the seat of government, in Calcutta, what more can he know of the merits and services of those who are claimants to be Sudder judges at Agra than he does of gentlemen of the same class at Bombay or Madras?—He has around him persons who, almost of necessity, are more or less acquainted with their claims; and he may even have, and, in a number of recent instances, actually has had, members in the Council capable of advising him as to the comparative merits and the relative claims of persons in all parts of the service in Bengal, such as he has not with reference to the services in Madras and Bombay.

4281. Will you state upon what grounds you think it a salutary measure that the Governor of Bengal and the Governor of Agra should be controlled in the selection of any officers whatever, and why it would not be preferable that the local governors should be responsible for the appointments themselves?—I have no absolute reason to give why they should not have the whole patronage; but I think that you should conjoin in some degree the Governor-general and his Council with the administration of the territory in which they actually live, and move, and exercise their functions; and I see no better way, upon the whole, of keeping up that connexion between the Supreme Government and the affairs of the local Presidencies than by giving them this control over the rare instances which occur of appointments to the highest offices. Besides which, it adds an amount of eclat and consideration to the appointments themselves, which I think is useful. And in the particular instance of the exercise of the local Government by officers selected from the civil service, and brought up amongst the members of that service, and united to them by all kinds of ties and familiarities, it seems to me to be a very wholesome check that some external authority should have something to say in the selection of the officers for the very highest duties under those local governments.

4282. Is it not evident that the Lieutenant-governor of Agra must be a far better judge of the qualifications and merits of the candidates to fill one of those high situations than the Governor-general in Council?—That is not so evident to me; he may, in some instances, be not so good a judge; and he may be considered liable, occasionally, to particular personal prejudices. It may often happen that the persons who are selected for the highest offices are just the persons in whose intimate society he has been brought up from boyhood, and therefore, it is precisely with respect to those appointments that it is necessary to interpose some check, were it only to secure impartiality on the part of the Government in the administration of its highest patronage.

4283. Would not your objection, in a less degree, extend to his exercise of an independent power of appointment in every case?—It is an objection that cannot be got rid of, and it has been felt as a great reason why it would be generally disadvantageous to select men from the civil service for the highest position of all in India.

4284. Sir *G. Grey.*] Is there not this additional reason for giving the Governor-general in Council a control over these appointments, that the Lieutenant-governor of Agra and the Lieutenant-governor of Bengal would not have

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Councils, while the Lieutenant-Governors of Bombay and of Madras would have Councils who might exercise some control over those appointments?—Undoubtedly that is another reason.

4285. *Chairman.*] With regard to the power of the Governor-general during the absences which he makes from the seat of Government, would you recommend that he should be attended by his Council on those occasions or not?—That subject is one of difficulty; I cannot say that, upon the whole, I think it would be advisable that the Council should attend the Governor-general to all parts of the country; it would be full of all kinds of inconvenience and expense. At the same time, I feel very strongly that the absence of the Governor-general alone, when too frequent or too much prolonged, does produce great mischief and great dislocation in many of the affairs of the Government. The only thing which I can suggest is, that whatever measures can be adopted here or in India to make those absences as infrequent and as short as possible, should be adopted. The matter is almost wholly in the hands of the Home Government; I apprehend that it rests almost entirely with them to control the Governor-general in this matter. The Governor-general is, undoubtedly, under a strong temptation to quit his Council more than is desirable, and for longer periods than is desirable, though I do not believe that any one Governor-general ever did so without an honest conviction, in his own mind, that he was doing right. Still, I think that the Governors-general have not been controlled in this matter so much as was desirable. The only thing that strikes me is, that in future the Legislative Act, which is necessary before the Governor-general can quit his Council, should be passed only for a specified and rather short term, and should be subject to renewal from time to time upon cause shown, so as to make the Legislative Council share in the responsibility of authorising the absence of the Governor-general, and to cause the propriety of his continued absence to come up as frequently as possible for re-consideration and re-discussion. Beyond that I see no check but the check of the home authorities, and in their hands I would leave it.

4286. Sir *C. Wood.*] Would you think it desirable so to limit the discretion of the Governor-general rather than to fetter him by an absolute prohibition?—I feel that he cannot be fettered by an absolute prohibition.

4287. Sir *G. Grey.*] Do not you think that one tendency of the plan which you have recommended, the establishment of an independent Governor of Bengal, would be rather to facilitate the absences of the Governor-general from Calcutta?—There is no doubt of it, and it is one objection to the plan.

4288. Sir *T. H. Maddock.*] Will you explain more fully to the Committee the grounds of your objections to the members of Council, or some of them, accompanying the Governor-general in his absences from Calcutta, irrespective of the question of expense?—It would be enormously expensive, because you must have not only the members of Council, but all the offices connected with the Government, and it would be excessively inconvenient. And in reference to the financial department, it appears to me almost impossible, the whole business of finance being conducted, of necessity, in Calcutta, with establishments and offices which it is entirely out of the question to move.

4289. *Chairman.*] If I rightly understand you, besides the control of the Home Government over the discretion of the Governor-general, you would still place a power of limiting the absences of the Governor-general in the Legislative Council?—Yes; with the view of bringing the question as often as possible under discussion, and, as it were, of presenting constantly to the mind of the Governor-general himself, the question of the propriety of continuing to absent himself, and the necessity of justifying that continued absence to his colleagues and to the Home Government.

4290. There may be advantages in the absences of the Governor-general on tours of inspection?—Unquestionably; that cannot possibly be prohibited; I believe, in almost every instance, the Governor-general has gone away upon actual necessary business which could not be avoided.

4291. Sir *C. Wood.*] Is not the objections rather to prolonged absence than to his simply going away for a time?—The objection is chiefly to prolonged absence; but there are instances in which questions have been raised as to the propriety of the actual absence itself, and the necessity or the emergency of the occasion on which it rested.

4292. *Chairman.*] During the absence of the Governor-general he retains the power

power of overruling the decisions of the Council, does he not?—There is rather a doubt in my mind, and I think elsewhere, upon that point; to answer the question properly, it would be necessary to refer to the Charter Act. If it be necessary, the Governor-general has the power, after interchanging Minutes with his colleagues present in the Council, in cases in which he thinks it absolutely necessary, for the safety and welfare of the State, to overrule their opinion. But I think the wording of the section is such, that it is necessary that the Governor-general should be present in the Council with his colleagues; if so, there may arise a doubt whether he has that power in the absence of his colleagues. The question has arisen lately, and has, I believe, been referred home.

4293. Do you think it desirable that the Governor-general should have the power of overruling the decision of the rest of the Council during his absence from them?—No, absolutely not. I think he should be bound to come and discuss the matter with his colleagues before overruling their opinion.

4294. Sir *J. W. Hogg.*] Do you believe that the Governor-general, when absent from Calcutta, has a veto upon any legislative enactment?—He has.

4295. When present he has not that veto?—He is there, and forms one of the majority or of the minority.

4296. Do you think it right to continue to him that veto when absent which he does not possess when present?—I do; I think that under any form of Legislative Council it would be right that the Governor-general should have a veto upon all Legislative Acts, whether he be absent or not.

4297. You would then give him a veto when absent which he has not when present?—I would give him both.

4298. You would give to the Governor-general the same controlling power with regard to legislation which he has with regard to all other departments, where he has the power of acting upon his own responsibility?—Yes, with a rather more unlimited authority, because he is limited in a peculiar manner in other affairs. He has that power only in special matters of politics, such as war and peace; but I think it desirable that the Governor-general should have an absolute veto upon all matters of legislation, whether present or absent.

4299. Mr. *Mangles.*] Is it not the fact, that by law the power of the Governor-general of acting upon his own discretion, is not limited to matters of peace and war, but is absolutely unlimited?—It is not absolutely unlimited.

4300. Mr. *Hume.*] You say that there have been doubts about the propriety of the absence of the Governor-general upon some occasions; by whom do you think that a check can be exercised in that respect?—I think the only real check is in the hands of the Home Government.

4301. Sir *C. Wood.*] What I apprehend you to mean is this: that it is not desirable to impose any positive legal restriction upon the Governor-general's absences, but that by instructions from home his discretion should be considered as limited in that respect?—Yes; that is exactly what I mean.

4302. Sir *G. Grey.*] If the Council passed an Act limiting the duration of the absence of the Governor-general to six months, would his absence, if extended beyond that period, be an illegal absence?—I would make it an illegal absence, and I would cause it to deprive him of the special powers with which he was invested by the Act allowing him to go away.

4303. Mr. *Mangles.*] How could such an Act be passed if the Governor-general had a veto upon all Acts?—What I suggested was not respecting the passing of the Act, but respecting the termination of the Act after a certain time, which would be independent of any veto of the Governor-general.

4304. *Chairman.*] Without referring to any legal points, are there any changes in the power of the Governor-general that you would suggest?—No; except that one, that he should have a veto upon all legislation.

4305. Sir *T. H. Maddock.*] Does the Governor-general, when he is absent upon those occasions, draw the whole of his salary?—Certainly.

4306. Does the officer, the President of the Council, who acts for him during his absence, receive any salary for his additional labour and responsibility?—None whatever.

4307. Do you think it would be proper that that officer should be remunerated for this great labour and responsibility?—The present remuneration of that officer is very considerable; I am not, off-hand, disposed to suggest that he should receive anything additional.

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4308. Sir *G. Grey.*] That case would not arise in the case of the appointment of a permanent Lieutenant-governor of Bengal?—No.

4309. Sir *T. H. Maddoek.*] Has not the President of the Council to incur expenses, in consequence of his holding the situation of Acting Governor, which he otherwise would not incur?—I apprehend that the salary of a member of Council, which is very large and quite adequate, is given him to cover that chance of expense like any other, and that he should take his appointment with that chance.

4310. Mr. *Hildyard.*] You stated that you believed that the remedy for this evil, such as it is, must rest with the Home Government?—In the main.

4311. But you think it desirable that the Act of the Council should specify the time for which the Governor may be absent?—I do.

4312. The time is now unlimited?—It is.

4313. Would it not also be desirable to specify the object as well as the time in the Act?—No, because the object may be political and secret, and generally is.

4314. When permission is given to the Governor, is the Act which gives him that permission immediately made known to the Home Government?—Immediately.

4315. Sir *G. Grey.*] During the absence of the Governor-general, if occasion for a prolonged absence should arise, the Council might pass an Act extending the period?—That is precisely what I mean; and that, if they do not pass such an Act, the powers given by the Act should cease at the time originally fixed.

4316. Supposing they had passed an Act authorising the absence of the Governor-general for six months, and they should afterwards be of opinion that a prolonged absence was necessary, they might pass an Act extending his absence for three months or six months more, so as to obviate any inconvenience from the original limitation?—Precisely.

4317. Mr. *Hildyard.*] Would there be any objection to the Council specifying in the Act both the time and the object, transmitting the Act to the Home Government, but not making it matter of publicity, so that the Home Government might have the means of judging of the necessity of the Governor-general's absence by knowing what the object was?—The only effect of that would be, that the public would not know that such an Act was passed; they would not know with what powers the Governor-general was proceeding through the country, and they would not know the powers he had left behind. But at present the whole object is gained, because the discussions upon the origin of the Act and the Act itself are sent home, and the Home Government have both before them.

4318. Mr. *Hardinge.*] Would you recommend any change in the division of powers which is now laid down by the resolution on the subject between the Governor-general and the Council when the Governor-general leaves Calcutta?—That is a matter for the discretion of the Governor-general in Council. Differences of opinion have arisen regarding the powers vested in the Governor-general and in the President of the Council respectively, and I should certainly wish, in future, that the law should be so framed as to prevent any such embarrassing differences.

4319. Upon such a question as that would you allow the Governor-general to overrule his Council?—It would follow his general power. The Governor-general would have a general power of vetoing any Act, and adopting any executive measures that he might think fit.

4320. Would you leave those powers?—Precisely.

4321. Sir *J. W. Hogg.*] Considering the high position, the vast powers, and the great responsibility of the Governor-general, do not you think that upon that, as upon all other points, it is essential to invest him with large discretionary power?—Undoubtedly, it is absolutely necessary.

4322. *Chairman.*] With regard to the composition of the Executive Council, would you suggest any change, or would you leave it as it is?—The only change that has ever occurred to me as necessary is, that the fourth ordinary member, the legal member, should have a voice in the Executive Council; I think that would be advantageous; it is often necessary to ask his opinion upon matters that come before the Council.

4323. The Commander-in-chief is now a member of the Council; is it desirable that he should continue to be a member of the Executive Council?—I think it is.

4324. Is not he frequently absent from Calcutta?—He is, of course, generally absent;

absent; but I think whenever he chooses to be present at the Council it is desirable that he should be enabled to be present.

4325. You think his opinion is of value to the Executive Council?—It is likely to be.

4326. Sir *T. H. Maddock.*] How long was Lord Gough sitting in the Council during the five years he was in India?—Very little indeed.

4327. On what ground do you think it is beneficial that he should be a member of the Council?—I think that if the Commander-in-chief wishes to take a share in the executive business of the Government, and to discuss matters face to face with his colleagues, he should be enabled to do so; I think whenever he happens to be at the place where the Council is located he should be entirely at liberty to discuss matters, in which the administration of his department is intimately concerned, with his colleagues in the Council.

4328. You are aware that it is thought unnecessary in England that the Commander-in-chief should be a Member of the Cabinet?—I think the two cases are very different. Looking at it even cursorily, it appears to me that there is a considerable difference between the position of the Commander-in-chief in England relatively to the Cabinet, and the position of the Commander-in-chief in India relatively to the Council.

4329. Do you think that, in the case of a Commander-in-chief who, in the course of four or five years' service, sits only for three or four days in the Council, it is desirable or just that the revenues of India should be taxed to the amount of 5,000 *l.* for giving him a seat in the Council?—That is another question. I said nothing about the propriety of paying him for the duty; I only said that I think it is desirable that he should have the power of being present in the Council under these circumstances.

4330. But that is the remuneration given to him for that duty?—It is the form under which the Commander-in-chief is remunerated for his services; and I apprehend that if you took that away, it would have to be made up in some other form.

4331. Sir *J. W. Hogg.*] Are not you aware that the present Commander-in-chief does not receive any separate remuneration as a member of Council, but that he receives a consolidated allowance, which embraces his salary as a member of Council?—I was not actually aware of the fact; it may be so.

4332. Mr. *Elliot.*] Is it not the fact that the disturbances which took place in the Madras army originated almost entirely from the fact of the Commander-in-chief not having a seat in the Council, in the year 1809?—I am not aware of that; but I can conceive of numerous instances in which it may be important that the Commander-in-chief should have the power of taking his seat in the Council.

4333. Sir *T. H. Maddock.*] Even though he never attends the Council?—Even though other duties may be more pressing and important, and may take him away; he should have the option, at all events.

4334. Sir *C. Wood.*] I understand you to say that you thought that the Legislative Councillor should have a permanent seat in the Executive Council; do you think it necessary to continue to maintain the Legislative Councillor?—Yes, I do; he has undoubtedly been of great service; he has introduced a certain amount of necessary knowledge into the Council, and a certain English element into their deliberations, and a certain amount of statesmanship, which was very often wanting, especially in the absence of the Governor-general; and I am quite conscious myself, from actual experience, that the Council at all times derived very valuable assistance from his presence and from his opinions; and the Executive Council is constantly in the habit of sending to him upon various Executive questions; he is requested to give his opinion upon them.

4335. Sir *T. H. Maddock.*] Are you aware of any possible objection to his giving his opinion upon those questions?—I am not aware of any objection, except enlarging the Council, if that be an objection.

4336. Sir *C. Wood.*] You think it desirable for the advantage of his assistance in the Executive Council, in addition to his other duties, that the Legislative Councillor should be maintained?—There are two ways in which it may be looked at. He is of very great use in the Legislative Council; but he is under great disadvantage in consequence of his want of knowledge of the affairs of the country, and the details of the administration; and it has been found absolutely necessary to supply that disadvantage by authorising him, as a matter of courtesy

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and convenience, to sit in the Council, and to read all the papers, and to hear all the discussions upon matters connected with the administration of the Home Government. It would be only carrying that out to the necessary consequence, as it appears to me that he should also have the power of voting upon those questions. It is natural to imagine that he does not give the same sort of sustained attention and informing attention to things that come before him, upon which he is not expected to give a vote, as he would if he had the responsibility of taking a part in their decision. By giving him a share in the executive Government, you would very much increase his usefulness as a legislator. And, on the other hand, his knowledge and experience would be of great advantage to the Executive Government. It already is found, in practice, that a necessity in some instances arises for requesting him to give his opinion upon Executive matters, which opinion in itself is now of no legal value, and which probably would be improved in all respects if he gave it under the responsibility of having a share in those proceedings. So that I think both the Executive Government and the Legislative Government would be benefited by some change in the present law.

4337. Do you believe that it would be possible, by improving the situation of the Advocate-general, to dispense with the assistance of the Legislative Councillor entirely in the matter of legislation?—Certainly not. The Advocate-general, as Advocate-general, has so much to do, that it is out of the question to get from him that service as a member of the Legislative Government compatibly with his duties as Advocate-general.

4338. Mr. *Hardinge.*] Would you recommend that the Legislative Councillor should see all the papers in the Foreign or Secret Department?—I see no objection to it. I apprehend that, with reference to matters in the Secret Department, he is often asked for his opinion.

4339. Do you think that he would have time to read them?—I think so. He would have no more to do than the executive members of the Council.

4340. But you must recollect that he has other duties to attend to?—Yes; but the recommendation I have made of an improved Legislative Council would tend to lighten his responsibility.

4341. It has been suggested that it would be desirable to add councillors from Bombay and Madras; what is your opinion of that?—I should agree to that in the Legislative Council.

4342. *Chairman.*] Would you recommend any change in the form of the Governments of the Presidencies of Madras and Bombay?—No; I am not prepared to recommend any change.

4343. You would still leave them under a Governor in Council?—I would.

4344. Sir *C. Wood.*] Do you think it would be desirable to constitute any separate Government for the provinces on the banks of the Indus, and its tributaries?—I doubt the sufficiency of my knowledge to give any valuable opinion upon that subject. I should look forward certainly to those provinces becoming a separate Government at some time or other; but whether at this present moment it is absolutely necessary, or whether they could be combined with the Government of the North-Western Provinces, or whether what is now taking place there is not the erection of something like a separate Government, is more than I have knowledge enough to say.

4345. Mr. *Hume.*] In saying that you would continue the Governments of Madras and Bombay as they now are, would you limit them from applying any portion of their revenues for public works, as they are now limited?—Certainly. The power of the purse must remain in the hands of the Central Government, or you would have everything in confusion.

4346. Do you consider that, having Governors in Council there, whose duty it is to be acquainted with the affairs of the province, they ought to be limited to the expenditure of 10,000 rupees for any public work?—I think they must be limited in all treasury matters. I would not make it minutely harassing or trifling; but in a reasonable way I think they must be limited as to the power of the purse. Occasions arise when the Government of India has need, at a particular moment, for all its funds, in consequence of the state of public affairs, and a local Presidency might wish at that particular moment to expend a very large sum of money upon public works.

4347. Do you consider that the Supreme Government of India, constituted as you have supposed it to be, would have sufficient time to give their attention to

those matters connected with Bombay and Madras equally with the Government on the spot?—I think probably they have not time; but it is absolutely necessary that the Supreme Government, having the entire responsibility on questions of peace and war, should be answerable also for the finance, and, speaking in a large sense, that no great expenditure in different parts of the territory should take place without its knowledge.

4348. Questions of peace and war are only accidental and temporary. My question has reference to the general proceedings in each of those territories; do you think that the present restriction in this respect ought to be continued?—I certainly think that the present restriction ought to be continued. I would not make it, as it has occasionally been made, harassing and annoying; I would conduct it as liberally as possible.

4349. Are you aware that it has been stated to the Committee, that such have been the delays and the want of attention to the applications from those Governments, that a reference to England upon those matters has been considered preferable to the present system?—I am quite aware of that, and it always must of necessity arise. Each local Government thinks the affairs of its locality preferable to all other affairs, and very rightly and very justly. Each local Government thinks that the particular public work in which it is interested at the time, and which will raise its character with the public in the Province, is a work upon which the finances of the State ought to be expended. That is natural and inevitable. Each local Government, checked at any time in matters of that sort, is sure to be annoyed, and is sure to think that the control ought to be lodged in its own hands, and out of that, no doubt, some irritation has arisen; I see no cure for it except such a liberal administration and power of discretion as is absolutely necessary to be vested in the central Government.

4350. You do not approve of the reference in those cases being sent home to England, instead of being submitted to the Supreme Government?—I do not.

4351. Sir *J. W. Hogg.*] Is there not a limit upon the expenditure of money for public works or otherwise by the Supreme Government itself?—There is.

4352. Beyond certain prescribed limits the Supreme Government of India cannot spend money without the sanction of the Home Government?—Exactly.

4353. Sir *T. H. Maddock.*] Do you think that limitation an expedient one?—I see no harm in it; the communication at present is very rapid. The Supreme Government has discretion in cases of emergency to expend money without this previous sanction, and I do not think that check, especially under the financial circumstances which have existed for some time past in India, can be at all objected to.

4354. Mr. *Hume.*] Do you recollect a proposal for a large application of capital to irrigation by the formation of the Ganges Canal, which was made by Lord Ellenborough, and do you recollect by whom that proposal was stopped, whether it was from home, or in what manner?—I am aware of the proposal, but as regards the canals in the Upper Provinces, I have understood that Lord Ellenborough put a stop for a time to the works and the expenditure, in consequence of the drainage upon the finances expected by him for purposes of war.

4355. Then the check was not from the Government at home, but from the necessity of the money being wanted for purposes of war?—So I understood it.

4356. Sir *C. Wood.*] Are not those works now in progress, and rapidly approaching to completion?—They are rapidly proceeding.

4357. Sir *J. W. Hogg.*] Is not the Ganges Canal in so forward a state that the water will be soon let into it?—I fancy so.

4358. Mr. *Hildyard.*] You stated, as one of the grounds why you thought Calcutta had better remain the seat of the Supreme Government, that it is the commercial capital of India, and has, consequently, among its population a larger number of intelligent and independent men than any other city in India, and that their opinion operates beneficially upon the action of the Government?—Undoubtedly.

4359. If Bombay and Madras became connected by electric telegraph with Calcutta, do you think that the Government of those two Provinces might be carried on advantageously, and less expensively, and less cumbrously, from Calcutta, instead of by the present separate Governments?—No, I do not; I do not think it would be advisable to attempt it.

4360. What is the ground of your doubt upon that subject?—A general opinion

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that Government is best exercised as nearly as possible, other circumstances being the same, at the place affected.

4361. Does not the electric telegraph, so far as communication goes, utterly annihilate distance?—Yes; but it does not annihilate the influence, such as it is, of the population, the commercial and other population of the neighbourhood of Bombay, upon the action of the Government, which would not have the same effect upon the action of a Government so far distant as Calcutta.

4362. In all matters of great public importance, such as public works, would not the Government at Calcutta, receiving the representations of parties on the spot with whom it was in communication, be as well able to form a judgment as a Government on the spot?—I cannot say that I think they would, even with the assistance of a telegraph.

4363. You state that it is necessary, even now, to control the public expenditure in those two Presidencies, by the judgment of the Supreme Government?—It is so; but under the admitted disadvantage of a competent want of knowledge, and a want of interest in the authorities at Calcutta, as to the affairs of the Presidency where that expenditure is to be controlled, I do not think that the knowledge required would be sufficiently conveyed, or that local interest would be sufficiently brought to bear upon the Government, by means of any amount of electric telegraph.

4364. Mr. *Hardinge.*] Do you think that estimates might be prepared annually of moneys required by the Local Governments for public works, and sent home?—I think they might; but that would not prevent the Supreme Government from stepping in, in case of need, and saying, "Whatever the estimate may be, we cannot allow money to be spent in these particular works at this moment;" and it would not prevent the Local Governments from continually wishing to expend more than the estimates, and being annoyed by being checked.

4365. Would you have them send those estimates home direct, or that they should send them first to the Supreme Government?—I think it would be desirable that they should go to the Supreme Government.

4366. Mr. *Elliot.*] You have shown, by your former evidence, that you are perfectly acquainted with the mode of transacting business between the India Board and the Court of Directors, and you expressed an opinion that if that system were changed, and the business were done by the President and the Court, sitting as a Board, it would be an improvement, all matters requiring debate being discussed at that Board; do you not think that, in cases where the Court was opposed to the views of the Board of Control, the President, being opposed singly to 24 gentlemen in a debate, would be at a very great disadvantage?—I think he might put himself at disadvantage, but I do not think he would necessarily be at disadvantage. The position of the President of the Board of Control, in that case, would be the position of a judge hearing all that could be said, and deciding upon his own responsibility. I do not think there could be any disadvantage of any sort in his position, in having to hear all that is said.

4367. One great object which you have in view is to get rid of the great quantity of writing attending the transmission of previous communications, and draft dispatches, and so forth, between the Court and the Board. Do you not see great advantage in the existence of a record of all the arguments which have arisen in all cases in which differences may have occurred between those two authorities, and in the facility which is thus afforded to future Presidents of the Board of Control, and future members of the Court of Directors, to become better acquainted with the cases before them?—It is a question of degree: no doubt, to a certain extent, the record is of advantage; but it may be carried too far, and I think is carried too far; I think a sufficient amount of writing will yet remain to enable successive Presidents of the Board of Control to acquire sufficient knowledge.

4368. If the business were conducted by discussion at the Board, by what method would a new President of the Board obtain that knowledge which he can now have at a moment's notice by referring to the records of the Board?—He would have, what I imagine he now refers to in a great number of cases, despatches from India and despatches to India; and he would have any record of dissents which would still remain for reference.

4369. He has now, besides those, a full note of all the discussions which have taken place on the subject, with the minutes of the secretaries and the minutes of the President of the Board of Control himself to refer to. Is not that a very great advantage?—

advantage?—I dare say, so far as it goes, it is an advantage; but I think any loss in that respect would be counterbalanced by other benefits that are supposed to arise from the change.

4370. Do not you think that there must be great advantage gained by the thorough sifting, under the existing system, of every subject that comes before the Court and the Board by means of those written communications?—I think so; but I think the sifting in each particular case would be quite as great if the discussion was oral, and perhaps greater.

4371. How would the President of the Board be able to carry on a discussion with those members of the Court of Directors who had had the advantage of sitting as a committee on each of the subjects brought under discussion; how would he be able to meet all the arguments that would be used without having had the opportunities of preparing himself upon the subject which they would have had?—He might have opportunities, because of course he would have to prepare his case.

4372. Provided he knew what was coming up?—There is nothing in the system of discussion proposed which should militate against that.

4373. Sir *T. H. Maddock.*] You have expressed an opinion that one of the advantages of the present system of the Court is, that all party differences are kept out of view. In Question 3956 you were asked, "Would you allow the Court of Directors to have the absolute nomination of that portion which you mention, a quarter or a third, or should it be subject to the approval of the Crown or the sanction of Parliament?" Your answer is, "I should suppose that the sanction of Parliament, in whatever way it was proper to be conveyed, would be the best mode of checking the appointments; it does not appear to me advisable that there should be a veto in the hands of the Crown." Will you be so good as to give some further explanation of your views upon that point, which appear to me inconsistent with maintaining the Court of Directors independent of party and political influences?—I dare say it may be so; I have said, throughout my examination upon this subject, that I consider myself very incompetent to enter into details regarding the working of institutions in this country; and that my suggestions were probably exceedingly crude and insufficient, and liable to correction by those who know more of the matter than I do.

4374. Then would you reconsider that answer?—I am not prepared to make any different answer from the answer which I gave on that occasion. I do not profess to know much about the subject, but I gave the answer to the best of my view, being asked the question.

4375. Will you have the goodness to look at the answer to Question 4031, "If the President presided, and having presided determined against the opinion of the majority, for what purpose would you have the dissent recorded; to what superior power could that dissent be submitted?" You reply, "In the first place, the dissent might be submitted to Parliament; there is no objection to that, that I am aware of; and in the next place, a dissent, under those circumstances, would have the same authority that a dissent has under present circumstances." As that appears to be creating a direct appeal to Parliament, would it not seem, that under such a system it would be impossible to prevent party considerations from coming into action?—I made that answer under the supposition that dissents now may be submitted to Parliament, so that there would be no real charge under this suggestion.

4376. But in this case they would be necessarily submitted, and in the other case they would not be submitted unless called for?—Perhaps the use of the words "called for" would have been better.

4377. *Chairman.*] You have stated that you gave some answers with the qualification of the sense of your comparative want of knowledge of affairs in England; has there been in your answer any reserve from any other motive?—None whatever. I have endeavoured to say precisely and exactly the whole of what I thought; but I have been profoundly sensible of my inadequacy to speak upon matters in this country, of which I have been unwilling to speak except under the pressure of being placed here to give answers to questions put to me; but whatever I have said, I said without the slightest reserve, and without the slightest desire to qualify it except in that way.

4378. You said that you were unwilling to give answers upon some points; what caused that unwillingness?—Merely a sense of my own inability to give anwers that should be valuable upon matters of such importance with which I was very imperfectly acquainted.

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4379. *Chairman.*] WE have had described to us the provisions and forms of Government in India, and we wish to ask you to state whether, from your long experience, there is any change which you would suggest; in the first place, would you suggest any change in the formation of the Council in India?—At present the Government of India consists of the Governor-general and the members of Council, who have a complete control over all the transactions and the expenditure of all the minor Presidencies. This Council consists of the Governor-general, and the Commander-in-chief, when he happens to be present, which is very rarely the case, a military member, and two civil members, who are in almost every instance, I believe in every instance, chosen from the civil service of Bengal. As the Supreme Council has a supreme control over all the transactions of the minor Presidencies, there appears a strong objection to its present constitution, as having no members from Madras or Bombay.

4380. Sir *C. Wood.*] Was not General Morrison a Madras officer?—He was; but I am alluding more particularly to the two civil members of the Council, who, during the whole currency of the present charter, have been invariably appointed from the Bengal civil service. The circumstance of there not being any members to represent the interests of Madras and Bombay, is not only a great disadvantage in the management of the general Government, but also a source of intense irritation to those two minor Presidencies, and I think, therefore, that it would be advisable to add to the Executive Council two members, one of whom should be selected from the Madras civil service, and the other from that of Bombay.

4381. Would that be the only change you would suggest in the Council?—In the Executive Council; because I consider that this feeling of intense irritation which prevails at the other Presidencies has a natural tendency to embarrass the working both of the general and of the particular Governments.

4382. What is the general age at which men now attain to Council?—I think after they have been about 30 years in the service. It appears to me that they are raised to the Council at present at rather too advanced a period of life, and that those appointments to the Council are therefore generally given more as a reward for past services, than as a pledge of any future labour in the Council; and it would be of great advantage if men of 25 years' standing in the service were appointed to it, and they were expected to take a more active share in the duties of the Government.

4383. You mean, that length of service should be less looked to than the qualifications of the individuals for useful service?—Yes. But the mere length of service does not regulate the appointments to Council, because there are always 15 or 20 men of higher standing in the service who are passed over in the selection of members of Council; but I meant to say, that if they were appointed, as they used formerly to be, at an earlier period of their service, say after 25 years' service, it would be an improvement upon the present system.

4384. Have you any observations to make regarding the military member of Council?—The military member of Council is generally appointed after he has been about 50 years in the service, and when he may be supposed to be completely worn out. This post in the Council is given to him simply because the Government has no other means of rewarding his military services. He necessarily comes to the Council ignorant of almost all questions that come before him. If, therefore, it be deemed necessary to have a military member as well as the Commander-in-chief, who is also a member of Council, I think it would be very advisable to have a much younger man selected for it, and that he should be chosen indiscriminately for his abilities from any of the Presidencies.

4385. With regard to the legislative member of Council, at present the duration of his services is limited to five years; do you think that is sufficient?—No; I think there is great objection to limiting the period of service, as at present, to five years. He is generally an accomplished lawyer or an eminent jurist sent from this country, and when he first arrives in India has everything to learn regarding the habits and manners of the people, and the laws and institutions that he is to be employed in mending, and it is a great disadvantage that he is obliged to quit the Council immediately upon his becoming, you may say, master of the duties of his appointment. After he has been there five years, and

when he is in his prime, he is expected to leave the Council, and then you have another man out from England, who is required to serve the same apprenticeship, and to quit the Council as soon as it is completed. It would, in my humble opinion, be a great advantage if the period of service of the legislative member were extended in all cases to seven years at least, if not to a longer period.

4386. What is your opinion of the control that is exercised by the Supreme Government over the subordinate Presidencies?—I believe it was the intention of the last Act to give a complete control over all the movements, and more especially over the expenditure of all the minor Presidencies, to the Supreme Council; but I do not think the Council, generally, interferes much in the internal organization or management of the subordinate Presidencies, and that its interference is in a great measure confined to a control over the finances; and this appears to be a great cause of irritation in the minor Presidencies. I think that there has been some kind of understanding between the Supreme Council, or the Governor-general in Council, and the minor Presidencies, by which they are permitted to spend to the extent of 1,000 *l.* or 1,500 *l.* a year in any kind of work, without obtaining the sanction of the Supreme Council. But with regard to the augmentation of any of their establishments, the Governor of Madras is not at liberty to increase the salary of the lowest native to the extent of 6 *d.* a month, without the permission of the Governor-general in Council, or of the Governor-general alone, when he happens to be absent from his Council; and this is a source, I conceive, of the greatest annoyance to the officers and members of the minor Presidencies.

4387. What has been the result of this control over the execution of public works in those Presidencies?—It is generally asserted, at Madras and Bombay, and more particularly at Madras, that in consequence of this control the execution of public works has been exceedingly retarded at that Presidency, and that every proposition which is made for the execution of any such public works is received in the Council with a feeling of indifference and very often with a feeling of hostility, and that, as the seat of the Council is in Calcutta, the Presidency of Bengal receives far more attention from the Council than the other Presidencies, and that large sums are more readily voted for public works in Bengal than at the other Presidencies. But some six or eight months ago a statement was drawn up of the sums which had been appropriated by order of the Supreme Council to public works at the four Presidencies respectively, and it was found that the largest sum had been devoted to works in the North-western Provinces connected with the Ganges Canal and the Trunk Road, and that next to the North-western Provinces the Madras Presidency had received the largest sum, next, that of Bombay, and last of all, Bengal.

4388. What is your opinion as to the necessity of maintaining that control on the part of the Governor-general in Council?—I think that the Governor-general in Council must always maintain a supreme control over all the financial arrangements of India in all the minor Presidencies, because before this control was established it used, undoubtedly, to be felt that there was excessive and almost boundless extravagance of expenditure at the minor Presidencies and a vast deal of jobbery. Lord William Bentinck always maintained that this check was necessary in order to keep the expenditure of those Presidencies within bounds, and that the general Government of India was likely to be exposed to continual embarrassment unless the Governor-general possessed this complete control over all the finances of the minor Presidencies. At the same time, it appears very desirable to place larger resources at the disposal of the Governors of the subordinate Presidencies, and to allow them a sufficient latitude of expenditure to render their administration efficient and useful.

4389. Do you think it desirable to remove the seat of the Supreme Government from Calcutta, or to leave it there?—I do not see how it is possible to remove the seat of Government without entailing immense inconvenience upon the Government, and upon the administration generally. Calcutta became accidentally the seat of Government; but having once become so, I do not think it would be easy to remove it. It is the pivot of all the commercial transactions of the Gangetic Valley, which have now increased to the extent of 20 millions sterling a year, and are continually upon the increase. It is the estuary of more than 100 rivers; and it seems difficult, if not impossible, to remove the public establishments from it, or the records which have accumulated

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during a whole century. Moreover, you could not, under any circumstances, remove the Treasury, and the Mint, or the Financial Secretary. If therefore you were to remove the Government, you must still leave the officer at the head of the finance in Calcutta; and his separation from the Government of India would be a manifest disadvantage. Calcutta is, likewise, the seat of the largest, the most intelligent, and the most influential Anglo-Saxon community we have in India. And it seems highly desirable, from all these circumstances, that Calcutta should still continue to be the seat of the Imperial Government. One of the objections which has been raised, is, that Calcutta is not centrally situated as regards the rest of the country. But the same objection would apply to almost all capitals. It would apply to London; it would apply to Paris, to Petersburg, and to Washington, in the United States, which is now at an immense distance from California; at a far greater distance than the remotest of our provinces is from Calcutta. I think it will be seen, upon consulting the map, that Calcutta is almost as centrally situated as any other place; it is nearly equidistant from Madras, from Bombay, and from Delhi; and you have now the element of a new empire growing up to the eastward, in the Burmese dominions, and that circumstance will render Calcutta still more centrally situated. The Government have now determined, moreover, to lay down a line of electric telegraph; so that in the course of three or four years we shall probably have 4,000 miles of telegraph, a complete net-work, all over India; and it will become a matter of complete indifference where the Governor-general may happen to be; he will receive communications, however lengthy, in the same period, whether he resides at Calcutta, or whether the Government is removed up to Simla or to Bombay, or placed in any other situation.

4390. If the seat of Government remains at Calcutta, should the Governor-general, in your opinion, be at liberty to move from Calcutta at any time, and for any period, that he pleases; and if so, should he or should he not be attended by his Council?—I think the Governor-general must always be at liberty to move about the country wherever he considers that his presence is necessary, and that his duty requires him to be; this is altogether irrespective of the location of the seat of the Supreme Government, for wherever the seat of the Government may be, the Governor-general must be equally at liberty to quit it whenever he considers it necessary for any public exigency. The question of the Council travelling with the Governor-general is one of extreme difficulty, and it becomes the more difficult the larger you make the Council; but if the Governor-general were absent only for a short period from the seat of Government, wherever it happened to be located, that difficulty would be, in a great measure, removed; and as soon as our lines of telegraph and railway have been completed, there will be no difficulty whatever in the Council accompanying the Governor-general, or proceeding to the position where the Governor-general may happen to be, on the occurrence of any political emergency.

4391. Sir *C. Wood.*] In like manner the Governor-general might go back to Calcutta, in order to consult his Council, without any loss of time?—Yes; he might either go to the seat of Government to consult the Council, or the Council might go to meet him.

4392. *Chairman.*] But with the present means of travelling, you are not prepared to suggest that the Council should attend him when travelling?—I should scarcely conceive it advisable, because it would be necessary for the Council to travel with a very large secretarial establishment, and with the records of the Government. As soon as the electric telegraph has been established, which you may expect in the course of 30 months, or of three years, there will be constant daily and hourly communication between the members of Council and the Governor-general, wherever they may respectively be.

4393. Would you think it desirable or not to place any limit as to the duration of the absences of the Governor-general?—I think the Governor-general himself must be the best judge of that.

4394. Are you of opinion that the Legislative Council is at present composed as it ought to be?—The Legislative Council is at present composed of the same members as the Executive Council, with the addition of one legislative member from England. I think it is the weakest and least satisfactory of all our institutions, and that it would be very advisable to strengthen it by the addition of some of the official members of the Government. I think it would be desirable that Madras and Bombay should each contribute one member to the Executive Council,

Council, and that they should also become members of the Legislative Council; and you might also increase it by giving the Chief Justice of the Supreme Court, the Chief Judge of the Sudder, the Home Secretary, the chief member of the Board of Revenue, and probably the Advocate-general, seats in the Council. You would thus have from 11 to 12 (supposing the Commander-in-chief to be absent) members of Council of great experience and varied talent; and I think that this would give much greater weight to the legislation, and attract a greater degree of public confidence to our laws. At the same time, as it would be a very great advantage to have this variety of Councillors seated at the Council-board, so I would also propose, that in lieu of the written minutes which are now prepared by different members of the Council, there should be oral discussion at the Council-board; and I would even go so far as to propose that these discussions should be taken down by a short-hand writer, and regularly published, in order that the public might have the satisfaction of knowing the grounds upon which the laws were determined upon.

4395. Would you recommend that the Legislative Council should sit throughout the year?—The Legislative Council does now sit throughout the year; but it has been considered rather a disadvantage that they should be employed all the twelvemonth round, either in making or in mending the laws; and it would possibly be advantageous for there to be a Legislative Session, consisting, say, of eight months in the year, so as to leave four months of leisure.

4396. What would be the advantage of that?—It would give a little breathing time to the Legislature, and it would enable the legislative member, upon whom devolves so very large a portion of the duties of the Council, to travel about the country, and to see the various officers of Government, and to look into our institutions and the working of them, and to examine their defects. He would be able thus to obtain, while travelling through the country, the opinion of some of the ablest public servants regarding the mode in which it would be most advisable to construct our future legislation.

4397. What is your opinion of the propriety of the appointment of some natives to the Executive Council?—It is an exceedingly difficult and delicate question. I should be very sorry to say anything that would, in any measure, wound the feelings of the natives, among whom I have lived so long, but I am constrained to observe that, at present, I do not think they are prepared to take a share in the Executive Government of the country, although I think they might be admitted to a much larger share in the administration than they have yet enjoyed The Government of India must be managed, I conceive, upon those large and liberal and comprehensive principles which are now predominant in this country, but which have made very little progress in native society in India, and I think it is the European mind that must lay down the general principles and direct the general movements of Government. Upon this ground I would not take upon myself to recommend any native to be appointed to the Executive Government. I think it would not be an element of strength, but rather a source of great embarrassment to the Council. The natives themselves have so little confidence in one another, that if any such member were appointed to the Council, he would be regarded with feelings of the most intense envy and mistrust, and, therefore, the advantage of having him as a kind of national representative, would be in a great measure neutralized, and however honourable and upright a man he might be, his own countrymen would never give him credit for any such virtues; his own servants would be continually representing that he possessed supreme power in the country, and they would immediately set their influence in his family up to sale, and this would serve to bring suspicion upon the master, and to lower the dignity of the Government with which he was connected. I think that any native appointed thus to the Executive Government would become a great focus of intrigue, and that the Government itself would thereby lose in public estimation.

4398. The Government of the North-western Provinces has been much commended; what is your view of the subject?—I think it is universally admitted in India, that the present system of Government in the North-western Provinces is the most successful of all the experiments that we have been able to make, and that the Government of Mr. Thomason has been more efficient and more effectual than that of any of the other Presidencies. This has arisen from more than one circumstance; from the very happy selection of a gentleman of Mr. Thomason's experience and ability by Lord Ellenborough nine years ago, and his long con-

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tinuance in office, his being altogether unembarrassed by a Council, and his annual tour of four or five months through the country, by which he is enabled to see everything with his own eyes, and become perfectly acquainted with all men and all things within his jurisdiction.

4399. What is generally supposed to be the state of the Government of Bengal now?—The Government of Bengal unfortunately presents rather a melancholy contrast to that of the North-western Provinces, and this, I think, is justly attributed to the different system of administration which prevails in it, and which can scarcely lead to any satisfactory results. The Governor-general is *ex officio* Governor of Bengal, and assumes that office, and performs its functions, whenever he happens to be in Calcutta. There is only one instance, that of Lord Ellenborough, in which a Governor-general has appointed a separate Governor of Bengal, when he himself was at the Presidency. But the Governor-general is so weighed down with the labours of the general administration of India, that even when he is at the Presidency it is utterly impossible for him to devote an adequate share of his attention to the duties of the Government of Bengal, or to carry them on with any degree of satisfaction to himself or to the people. It must also be remembered that, since the period of the last Charter, when this arrangement was made, we have added the province of Scinde, the Punjaub, and Pegu, to our territories, and that the labours of the Supreme Government have been thereby almost doubled; and the constant communication with England, more especially the twice a month communication, however advantageous it may be to the objects of good government, necessarily has a tendency to increase the occupations of the Governor-general. It is, therefore, utterly impossible for him, however vigorous he may be in physical constitution, or in mind, adequately to perform the duties of Governor-general of India and those of Governor of Bengal. When the Governor-general leaves the Presidency, he devolves the Government of Bengal upon some member of the Council. I believe the Act simply says that the Governor of Bengal must be a member of the Council of India, but the habit has grown up of appointing the senior member of Council, and we have thus a constant mutation in the office. We have had 10 or more successive Governors of Bengal during the last 18 years; and moreover, by this arrangement of appointing the senior member of Council to the Governorship of Bengal, you very often have men who, however eminent they may be in their own professional line, are utter strangers to all questions connected with the internal Government of Bengal; gentlemen who are put in there as a reward for their military services. Under these circumstances, the Government of Bengal has become, to a very great degree, inefficient; so much so, that this vicious arrangement has served to neutralise the ability of the very ablest of the members of our Government who have been for the last 14 years secretaries to the Government of Bengal. I allude to Mr. Halliday and to Mr. John Peter Grant.

4400. What remedy would you suggest?—The remedy is to assimilate the Government of Bengal to that of the North-western Provinces; and to appoint a separate Governor, the ablest man in the service, not a member of Council, and therefore not liable to be removed by the mutations of Council, and to leave him entirely unfettered by a Council, and at the same time to give him a sufficient degree of power to render his office useful, and to enable him to fulfil its duties with efficiency.

Jovis, 12° *die Maii*, 1853.

MEMBERS PRESENT.

Mr. Baring.	Mr. Elliot.
Mr. Mangles.	Mr. Cobden.
Sir George Grey.	Mr. Hume.
Mr. Spooner.	Mr. Vernon Smith.
Sir T. H. Maddock.	Viscount Jocelyn.
Sir R. H. Inglis.	Mr. Hardinge.
Sir C. Wood.	Sir J. W. Hogg.
Mr. Lowe.	Mr. R. H. Clive.
Mr. Labouchere.	

THOMAS BARING, Esq. IN THE CHAIR.

John Clarke Marshman, Esq., called in; and further Examined.

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4401. *Chairman.*] IN the plan which you have suggested of a separate Governor for Bengal, independent of a Governor-general, and without a Council, would you propose that the patronage should be conferred upon the Governor of Bengal?—Yes; the question has been raised in India, in reference to the appointment of a separate Governor of Bengal, whether it would not tend to impair the authority and the dignity of the Governor-general if he were divested of that patronage; but the Governor-general has at present nothing whatever to do with the patronage of Madras and of Bombay, or with that of the North-western Provinces, except, I believe, as regards the appointment of three or four of the highest officers, the judges of the Sudder, and members of the Board. In Bengal, the Governor-general in Council retains a voice, whether he is in Calcutta or not, in the appointment of the five judges of the Sudder Court, of the three members of the Board, and the three Secretaries to the Government of India, being 11 appointments in all, of the value of 5,200 *l.* a year each. These offices are entirely at the disposal of the Governor-general in Council. I cannot think, if you were to divest him simply of the remaining fourth of the patronage of India, which he enjoys now as Governor of Bengal, while you left him those higher appointments, and while he had the entire appointment of all the political officers, and of all the functionaries in the Non-regulation Provinces, there would be any impairing whatever of his dignity or his authority.

4402. Would you suggest any change in the present form of the Government of Madras and of Bombay?—It appears to me that the same form of Government which has proved so successful in the North-western Provinces, might be advantageously applied to the Government of Madras and Bombay; that is, that it would be an immense advantage if the administration of those two Presidencies were placed in the hands of the ablest men in the public service there, without the incumbrance of a Council. The only difficulty which appears to lie in the way of the arrangement is, the existence of separate armies at Madras and at Bombay.

4403. You presume that some experienced individuals, in India, would have those appointments in that case?—Gentlemen of the same ability and the same experience as Mr. Thomason, who has been appointed to the North-western Provinces.

4404. Will you state the difficulty which would occur as regards the army?—It appears indispensable that the armies of Madras and of Bombay should be kept separate from each other, and distinct from the army of the Bengal Presidency. It has been supposed that a Commander-in-chief, fresh from England, might not be able to get on so well with a single Governor without a Council, appointed from among the members of the civil service, as he would

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with a Governor sent out from England supported by two members of Council. This is, however, rather a professional question, which military men can best decide; but I think if this difficulty could be removed, it would be immensely to the advantage of those Presidencies if they were placed under the same scheme of Government as that which has proved so successful in the North-western Provinces. At the same time, it should be remembered, that in the course of three or four years we shall have the means of communication by the electric telegraph throughout India, so that, in case of any difference of opinion between the Governors of Madras and Bombay and the Commander-in-chief, a reference might be made to the Governor-general, and a reply might be received from him in the same day, in whatever part of India he might happen to be.

4405. Will you state what are the objections to the present system of having a Council at Madras and Bombay?—The two Councillors are generally men very far advanced in life, and sometimes superannuated. Past experience seems to show that a system of government, by means of a Governor unacquainted with the affairs of the Presidency, and two aged members of Council, has not worked well; there is very considerable delay, difficulty and embarrassment experienced in working with such a Council.

4406. The Commander-in-chief is a member of the Council?—He is necessarily a member of the Councils of the subordinate Presidencies.

4407. Do you consider that objectionable? — No; under the present constitution of the Government, the Commander-in-chief, the Governor, and two members of the Council, constitute the Government; but under the proposed form there would be simply a Commander-in-chief to manage the military details of the Presidencies, and a Civil Governor, without a Council, to superintend the civil administration.

4408. Is not the Commander-in-chief often absent from the Council?—The Commander-in-Chief is never present in the Bengal Presidency. I think that the late Commander-in-chief was only five days in the Council during the whole period of his incumbency; but the Commanders-in-chief of Madras and Bombay are more frequently at the Presidency, and much oftener, I think, attend the meetings of the Council.

4409. Mr. *Hume.*] What do you mean by a Governor unacquainted with the affairs of the country?—The Governor who is sent out from this country is in almost all cases a nobleman who has had no experience whatever in Indian affairs or administration.

4410. Do you propose that under the change you have alluded to he should be a civil servant, or a person in the service of the Company?—A person in the service of the Company, generally a civil servant; but I think it would be improper to exclude men of such ability as Sir Thomas Munro or Sir John Malcolm, simply because they were not members of the civil service.

4411. Are the Committee to understand that, under the change you contemplate, the Governors at Madras and Bombay should be men well acquainted with the practice of the Indian Government?—Yes; I have stated that I propose the Governor should be the ablest man that could be selected from the public service of India.

4412. Sir *G. Grey.*] Either military or civil?—Yes.

4413. Would not it follow, as a necessary consequence of depriving them of the assistance of a Council, that they must be taken from the Indian service, civil or military?—Yes; the chief necessity for maintaining the Council at present arises from the ignorance of the Governor, who is sent out from this country.

4414. Has not it often occurred that the Governors of Madras and Bombay have been previously employed either in the military or the civil service in India?—Sir Henry Pottinger has been employed in India; Sir Thomas Munro was also an Indian servant, as were Sir George Clerk and Mr. Elphinstone.

4415. Mr. *Elliot.*] Sir George Barlow?—Yes.

4416. Mr. *Hume.*] You stated that you would wish to see introduced a Government similar to that now existing in the North-western Provinces; will you explain a little further what the peculiarities and advantages of that system are?—I think I stated in my evidence on Monday last, that the great advantage connected with the present system of administration in the North-western Provinces was, that one of the ablest men in the service had been appointed to superintend the administration, that he was not fettered by a Council, that not being a member

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of the Council he was not liable to be prematurely removed, Mr. Thomason having been enabled to remain at the head of the administration for eight or nine years; and that being unfettered, by a Council, he was able to travel through the country, and to visit personally almost every district once in two or three years.

4417. Then, in fact, you regard the individual responsibility which would attach to such a person as of more importance than any assistance which he could obtain from a Council?—Much more.

4418 You have given an opinion against Governors being sent from England, who are unacquainted with Indian affairs; is that opinion formed from your own observation, during the long time that you have been in India, of any evil effects arising from that practice?—Not from my personal observation at Madras or Bombay, because I have not had an opportunity of visiting those Presidencies, or rather of remaining there a sufficient time to examine personally into the question; but I think I speak the general voice of the community when I say, that a Governor like Mr. Thomason would be universally preferred to a Governor sent out from this country, ignorant of the affairs of India, and leaning for advice upon two members of Council, whose opinion he has, at the same time, full liberty to overrule.

4419. I understood you to say, on a former day, that you objected to the period at which civil servants and others were appointed to responsible situations; are the Committee to understand that you would prefer that such officers should be selected after a shorter period of service in India?—I think I alluded exclusively to the appointment of men who were very far advanced in life to the Supreme Council; men, for instance, who have been in India more than 30 years. I said I thought it would be an advantage if they were five, or six, or seven years younger in the service when appointed to that office; the same remark would be applicable to the selection of Governors for the other two Presidencies.

4420. In fact, your observation generally is, that men have been too far advanced in life before they have attained to those responsible offices which are of so much importance in the Government of India?—Yes.

4421. Are the Committee to understand from you, that you prefer individual responsibility in all cases to the interposition of a Council Board?—Yes, individual responsibility in the Governors at the various Presidencies.

4422. Have you formed any opinion as to whether it would be advantageous that the community at large, at all the Presidencies, should be fully aware of the intentions of the Government as to enacting laws, with the view of giving them an opportunity for making remonstrances or applications to the Government on the subject?—At present the drafts of all Acts are published two months before they are enacted, and often three months; in some cases they remain under consideration for five or six months; and I think the public have a full opportunity of expressing their sentiments regarding them. The natives, more especially, have fully availed themselves of this opportunity, for they have sent up, in three or four instances within the last six months, remonstrances against some of the Acts which it was proposed to enact, and I think their representations have had considerable effect with the members of the Council, in inducing them to modify the Acts which were proposed.

4423. Does the period of two, three, or six months depend upon caprice, or is there any regulation on that subject?—I believe the rule is, that the draft must be published for two months at least.

4424. What is your opinion as to the publicity given to the proceedings of the Government in the newspapers or journals of the country; do you consider that it would be advantageous or injurious to allow the fullest publicity to discussions upon all executive orders?—Those orders are always open to discussion, because we have a free press in India.

4425. Are not you aware, that officers have been sent from the country, for publishing letters remarking on the military and other proceedings of the Government?—I do not know of any instance of an officer being sent out of the country for it; I believe there have been one or two instances in which the Government has visited with its displeasure, the publication of papers and documents of which public officers had become officially cognizant, inasmuch as it was in contravention of an order passed by Lord Ellenborough 10 years ago.

4426. Are not you aware, that previous to Lord Ellenborough's time, from the time of Mr. Buckingham's publication, several military officers have been reprimanded and punished, for having made remarks on certain military proceedings?

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—I do not know exactly to what period the Honourable Member alludes, whether it is previous to the time of the press being declared free or since that date.

4427. Before the time that the press was declared to be free?—My answer has reference to a subsequent period.

4428. Is it your opinion, that the punishment or censure of public officers on such occasions is likely to be beneficial?—I think the Government must possess a control over all its own documents, and that if Government considers it necessary to prohibit the public officers to whom they are intrusted from making them public, it must be at liberty to do so.

4429. What is your opinion as to the advantage or disadvantage likely to arise from the discussion of public orders and public measures in the newspapers?—With regard to the discussion of military questions, it is a very delicate matter; Lord William Bentinck who allowed the press practically to be entirely free, felt himself under the necessity, at a period of great excitement, of prohibiting all the military officers at the Presidency from discussing the half batta question; I think there would be considerable inconvenience, and possibly some little danger, in military officers discussing the military arrangements of the Government.

4430. The half batta question was one of considerable importance; who was more likely to be able to give information upon that subject than the officers whom you would interdict from publishing their opinions respecting it?—In reference to the half batta question, it was not information that the Government desired; the governing body at home had sent out orders that the pay of the troops at certain cantonments should be reduced; the Government required no information upon the subject.

4431. Are not you aware that those orders from home caused discontent and unpleasant consequences at some of the stations?—Very great discontent.

4432. Would it, in your opinion, have been beneficial that the Government should have been advertised in time, by such communications as the public press might afford, of the danger of pressing a measure which met with general opposition?—The honourable Member refers to a period before the establishment of the liberty of the press; the half batta question was agitated about 1830.

4433. Do you think that public discussion of the freest possible kind in the newspapers would be a benefit or a disadvantage to the interests of India?—I think you cannot prevent that discussion. After having given a free press to India, it is not within the power of the Government to prevent any such discussions.

4434. Opinions have been stated to this Committee as to the character of the press of India generally; from your experience, are you able to state how far the public press in that country has been conducted with ordinary talent and honesty, and how far it is deserving or not of the support of the community?—That is a very large question. When it is remembered that I was myself a member of the press, it is almost asking me to pass a judgment in the presence of this Committee upon my contemporaries, and upon many of those who essentially differed from me. My answer would appear invidious to persons in India. I am free to say, however, that I consider that the press in India is conducted with a great deal of ability, and that the editorial articles are fully equal, with some exceptions, to anything which you have in the provincial press in England, though of course not equal in talent to the articles which appear in the great metropolitan papers.

4435. Mr. *Mangles.*] Is there not, on all public subjects connected with the revenue or the judicial administration of India, the greatest freedom of discussion allowed on the part of public officers in every part of India?—I can scarcely say that, because public documents, and information which has been obtained officially, cannot be communicated to the press without, in some measure, incurring the displeasure of the Government.

4436. Do you recollect what was called the "Indophilus" controversy?—Yes.

4437. Was there any want of freedom of discussion in that controversy?—None whatever. All we could require in India is, that the same freedom should be allowed now which was permitted then.

4438. Do you recollect the discussion, at a subsequent date, as to the La-khiraj measures?—Yes, I do; that was almost immediately after, at least within two or three years after the first controversy. "Indophilus" was Sir Charles Trevelyan, who wrote a number of very able articles in the papers, towards the close of Lord William Bentinck's administration. Lord William Bentinck was delighted to find those important questions debated in the papers, and rather encouraged able men in the

the service to come forward and discuss them, but since that period, and since the Honourable Member left India, there has been a far greater restriction upon the communication of public information to the press than there was then. I do not think that at the present time any officer would consider himself at liberty to make use of information which he obtained from his official position to the same extent to which it was used freely in the "Indophilus" controversy.

4439. Mr. *Hardinge.*] Is it your opinion that permission given to officers of the army to write in newspapers under their own signatures, would be detrimental or otherwise to the discipline of the army?—I do not think you could safely give permission to the officers of the army thus to write upon military subjects.

4440. Are you aware whether such permission is given to officers of the army here?—I am not aware of that.

4441. Sir *R. H. Inglis.*] If you would not give permission to the officers so to write, would you give permission to the men?—Certainly not.

4442. From your experience in England, are you aware whether it would be allowed to any civil functionary of the Crown to communicate information derived officially from his station under the Crown to any newspaper?—I am not fully cognizant what is the practice, having been so long absent from this country; but, in reference to Mr. Mangles' question, I have stated distinctly, that the same degree of latitude is not enjoyed by public officers now which they did enjoy throughout that controversy.

4443. Sir *T. H. Maddock.*] That controversy took place at the close of the administration of Lord William Bentinck, who was succeeded in the Government of India by Lord Auckland; are you aware whether, during Lord Auckland's administration, any measures whatever were adopted to restrict communications of this kind more than they had been restricted under the Government of his predecessor?—No, I do not think any such enactment was made by Lord Auckland; Lord Auckland assumed the Government of India under circumstances different from those of any of his predecessors; in the year 1836 Sir Charles Metcalfe, the Governor-general, had made the press free by an Act of the Legislative Council; Lord Auckland, therefore, came to the country after the press had been made free, and one of the first questions which arose was, How you were to carry on a despotic Government with a free press? If I had known that the subject of the press would have been brought forward to-day, I could have submitted to the Committee a paper of some value, containing Lord Auckland's opinion upon the subject, and stating the mode in which he endeavoured to reconcile the practice of the Government with the existence of a free press. I will bring or send that paper at any time if the Committee should desire it; it was a paper sent to me by his Lordship's private secretary.*

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4444. Mr. *Hume.*] Was that published?—It was never published till I published it.

4445. Sir *T. H. Maddock.*] You have alluded to two periods: one at the close of Lord William Bentinck's administration, when great latitude was allowed to this kind of discussion in the public papers; and you have referred to another period, the administration of Lord Ellenborough, when obstacles were placed in its way; are you aware whether there was any sufficient reason during Lord Ellenborough's administration for his prohibiting such communications as you have alluded to?—I was not in the secrets of the Government, and I cannot be supposed to know the motives which led Lord Ellenborough to issue the notification, which prohibited all officers of the Government, civil and military, from communicating to the press, or in any way making known, any information which they had obtained from their official position.

4446. Had you at any time reason to suppose that the discussions which took place in the Council Chamber were divulged to any editors of newspapers, without the knowledge and without the consent of the Government?—That is rather a difficult question for me to answer; I can only speak in reference to what was a matter of notoriety, which is, that one member of Council did divulge the contents of despatches and the secrets of the Government to one of the editors of the newspapers.

4447. Under such circumstances, supposing them to have existed, would it have been possible for Lord Ellenborough to have conducted the Government if he had not placed some prohibition on this sort of improper correspondence?—Perhaps not, but the probibition did not arise from the circumstance of this member

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of Council having communicated to the editor of the newspaper the secrets of the Council Chamber; it was on the occasion of Colonel Sleeman's having endeavoured to vindicate himself from certain aspersions which were cast upon his character, by the publication of four or five documents, either in one of the Bombay papers or in a paper at Delhi.

4448. Mr. *Hume.*] Was he forbidden by the Government so to vindicate himself?—I do not know whether he received any such intimation; it was immediately after the appearance of those documents that the notification was issued by the Governor-general to the effect I have stated.

4449. Sir *T. H. Maddock.*] Are you of opinion. that with respect to this restriction on the publication of official documents, there ought or ought not to be a broad distinction made between documents relating merely to the administration of the judicial and revenue branches of the Government, and those relating to its military and political concerns?—A clear distinction; all documents connected with political movements, or military transactions, I think the Government must, in every instance, retain in its own exclusive possession, but what we have had reason to complain of in India is, that there is not a sufficient communication to the public of documents connected with the general administration of the country, such as find their way to the public in this country through the means of Parliamentary Papers and Blue Books, and discussions in Parliament.

4450. In what manner would you suggest that, in affairs connected, with the ordinary administration of the country, the public should have the means of knowing the views and intentions, and orders of the Government, either by admitting the public to the consultations of the Government, or by the Government periodically publishing sufficient of its acts and proceedings to enable the public to judge of them, and to give them an opportunity of expressing an opinion upon them?—I should certainly prefer that it be done by a liberal publication of all documents connected with the general administration which it was not necessary for the Government to keep secret.

4451. Ordinarily, do you consider that there is any necessity for secrecy in the affairs of the Government administration?—Not in the smallest degree; on the contrary, those very documents which have been in a measure, I will not say withheld, but which have not been given to the public, would have tended to raise the character of the Government instead of being injurious to it.

4452. Mr. *Hume.*] Are the Committee to understand that you believe the manner in which, through the public press, the proceedings of the British Government in various parts of the world are made known, is beneficial to the public interests?—I think it is; I speak of the general communication of all information, and all documents connected with the public interests.

4453. And all you require is, that the same facilities, however they can be obtained, should be given in India?—Yes.

4454. Sir *G. Grey.*] To take statistical information, for example; is there any practical difficulty on the part of any editor of a newspaper in obtaining from the Government of India, statistical information to publish in his own columns for the information of the public?—I think there is a considerable difficulty; although the Secretary to the Government of Bengal, in the last week of my residence in India, told me he would furnish me with any documents whatever that I wished, I know the general impression amongst all editors is, that they have not that free access to public documents connected with the statistics, and the general administration of the country, which they require, and which would be beneficial to the community.

4455. What motive can there be on the part of the Government to withhold information, when the free circulation of it would tend to the credit of the Government, as you said just now?—That is a question of the motives of the Government; I can only speak with regard to facts.

4456. Does this impression, which you say exists, arise from the refusal of information when application has been made for it, or from what other cause?—From the general belief that the Government has been offended with those officers who were supposed to have communicated it.

4457. Sir *J. W. Hogg.*] Has not Mr. Thomason, the Governor of the North-western Provinces, been in the habit of publishing statistical and other interesting information for several years past?—He has.

4458. Has not that system been of late followed in Bengal?—It has; but we want a great many more documents, documents which Mr. Thomason, perhaps,

perhaps, would scarcely consider himself at liberty to publish without permission from the authorities at home.

4459. Do not you think Mr. Thomason has liberally published almost all the information which would come under the denomination of statistical?—I think not; the series of documents which he has published in reference to the North-western Provinces had chiefly reference to scientific subjects.

4460. And all statistics relating to education?—All statistics relating to education.

4461. And also in reference to public works?—What we require is an enlargement of such publications, so that while the Government of India withheld from the public all political and all military information, the publication of which might be considered detrimental to the interests of the State, there should be a full and free communication, by those means which are deemed most advantageous, of whatever refers to the general administration of the country.

4462. Sir *T. H. Maddock.*] You said that the present Secretary of the Government of Bengal had offered to place at your disposal certain statistical information; are you of opinion that he would have made the same offer to the editor of any other public newspaper in Calcutta?—I do not know that he would not.

4463. Are you aware that some years ago the editor of a newspaper in Calcutta applied to the Government for full access to the documents necessary to enable him to collect a large body of statistics, in order to publish a work upon them?—Yes; and I think he was refused.

4464. I allude to the case of Mr. Hume?—I am alluding, however, to another case, in which an individual applied for the documents connected with the salt revenue; there was a good deal of hesitation in giving him access to those documents.

4465. The case which I allude to is the case of Mr. Hume, who applied for permission to have access to the Government records for the purposes which I mentioned; are you aware that any obstacle was thrown in his way in collecting and publishing that information?—I think not; still I must say there is a repugnance on the part of the Government of India to give full and free access to official documents with a view to their being made public. I may mention, if the Committee will allow me, a request which I made to the Court of Directors for permission to examine their records in Calcutta for a work I was engaged on, "The History of the Serampore Mission." I first made application to the Government in India; I said I should restrict myself to a period antecedent to the year 1820, because I considered that everything previous to that date might be considered as belonging to the domain of history. The Government of India was under the necessity of refusing me, and requested me to make application to the Court of Directors; the Court of Directors commended the Government for having refused me, but stated that, as I was a gentleman of great respectability, the Government was at liberty to give me access to any particular document which I might require, if it did not appear to be detrimental to the public interests. Upon this I made application for the documents connected with the controversy of 1807, just after Lord Minto's arrival in India; all the documents were collected together by the Secretary, but, on reading over those documents, it appeared that it might be injudicious to allow some of them to see the light. It was discovered, almost immediately after, that the whole of that correspondence with the Government of India and the Government of England had been published by the Parliamentary Committee of 1813, in a large Blue Book. I mention this simply to illustrate that the Government of India does not consider itself at full liberty to allow the communication even of ancient and historic documents to the public through the means of the press.

4466. Sir *J. W. Hogg.*] I think your request to the Government of Bengal, and also to the Home Government, was a general and unlimited request for access to all documents whatever relating to some particular subject-matter?—To the Serampore Mission.

4467. It was a general and unlimited request for such documents?—Down to the year 1820, it was.

4468. And the reply was, was not it, a direction from the Government that every facility should be afforded to you to refer to any particular document which was likely to aid you in your compilation, but they objected to give you an unlimited order to inspect all documents relating to any subject?—That was the purport of it.

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4469. Do not you think that a Government, in the exercise of a moderate and at the same time a very liberal discretion, must always place some limit to the permission to refer to public documents?—Yes; but in this case I limited my request to a period antecedent to the appointment of any member of the present Court of Directors; I consider that historical documents of that nature might be freely communicated without any detriment to the public interests; some line must be drawn between the domain of politics and that of history, and I drew it in the year 1820, and I requested no paper except those which had appeared before that time. I mention this incident, not to cast any reflection upon the Board of Directors, but simply to show that I think the Government in India does not consider itself at liberty to make that full and free communication of public papers, not connected with the political transactions of the country, which is desirable.

4470. From your experience in this country, do you think the Home Government would give an unlimited order for any individual, however talented and respectable, to have reference to all documents and records relating to any particular subject, without requiring him to give such a specification as would enable the authorities to judge whether it was or was not consistent with the public interests to grant his request?—I have been so short a period in this country, that it is difficult for me to offer any satisfactory answer to that question.

4471. Mr. *Mangles.*] Is not it a matter of almost daily occurrence, that to the various Government offices, private individuals present petitions asking for copies of papers?—I think they do.

4472. Do not they get copies of those papers?—I have known instances in which they have been refused.

4473. Have not you known many more in which the applications have been granted?—Perhaps not.

4474. Sir *T. H. Maddock.*] Your impression is, that there is an excessive and unnecessary love of secrecy in the authorities in Bengal?—I cannot say whether there is a love of secrecy, but there is, unquestionably, more secrecy than there was during the period of Lord William Bentinck's administration.

4475. I gather from a former answer of yours, that every paper and document that was refused to you by the Government in India, had already been made public here in a Blue Book?—They were not refused; but while the Government was considering whether the papers should be made over to me or not, it was discovered that they had been published by the Parliamentary Committee of 1813.

4476. Has that mode of dealing with the subject on the part of the Government of India, originated entirely from the instructions of the Court of Directors?—I am unable to answer that question.

4477. Mr. *Mangles.*] I remember Mr. Halliday writing to me some time ago to say that when Mr. George Thompson visited India, he had told Mr. George Thompson that he should have free access to any paper he wished to see in the Judicial and Revenue Departments; how do you reconcile that with your view of the great closeness and strictness of the Government?—I can only look at the two distinct facts, without being able to reconcile them. I am aware that when Mr. Thompson arrived in India Mr. Halliday did offer him access to all the judicial and revenue records of the Government, and to every paper that he might desire, but I do not think in any one instance he ever asked for any.

4478. You know that of your own knowledge?—I do; I told Mr. Thompson, after he had obtained this access to the most authentic sources of information, we should expect him to make a valuable use of it.

4479. Mr. *Hardinge.*] You said that the remonstrances of the natives had had the effect of modifying the clauses of certain drafts of Acts published by the Government; does not that prove that the Government do not disregard the opinions of the natives upon legislative questions?—The Government has never shown any disregard to the opinions of the natives on any question upon which it legislates, though the Government, of course, reserves to itself full power to reject any suggestions which they may make. The drafts of Acts have been commented upon by the natives, both in their own papers and in memorials, which have been sent up to the Council, and in the petitions of a body called the Landholders' Society. I have had occasion to remark that, in more than one instance, the representations of the natives have had the effect of modifying the Acts which were passed.

4480. Mr. *Mangles.*] You spoke of the members of Council, and you implied that they were now appointed at a greater age than they were formerly?—Such is my impression, that they are appointed now at a later age than they used to be, with some exceptions.

4481. To what do you attribute that; do you think that the civil servants remain longer in India than they did?—Much longer.

4482. You said that it would be desirable that younger men should be appointed; how would you bring that about without unjustly passing over very eminent men of older standing, who had not succeeded to the Council?—There would be a degree of difficulty in that matter, but if you look over the list, you will find that members are now appointed to the Council of 30 and 31 years' standing. There are very eminent men now in India, whom every one who is acquainted with their character would wish to see in the Council, but who have no prospect whatever of succeeding to it till they have been 30 or 31 years in the country.

4483. How could that be remedied without passing over very eminent men who have the misfortune to be older?—I think that you require generally for members of the Council younger men, and if a man does remain in the service longer, in fact, than he ought to remain—for Lord Wellesley calculated that every civilian would retire after 25 years' service with a full competency—I think the interests of the Government and of the country require that you should pass him over and take a younger man.

4484. Is not it the case that the allowances of the civil service have been very much reduced since Lord Wellesley's time, thereby incapacitating men from acquiring that competency within the time that Lord Wellesley contemplated?—I think the allowances to the civil service have been very considerably reduced, to the extent, perhaps, in the whole service, of 12 lacs of rupees a year; still the first question you have to look at is the emergencies of the public service, and although you may possibly, by putting younger men into the Council, act with some degree of injustice to older men of considerable ability, I think the general interests of the country should overbalance those personal considerations.

4485. After how many years' standing was Lord Metcalfe appointed?—I think after 25 years' standing.

4486. Mr. *Hume.*] Can you explain on what principle Lord Wellesley calculated that 25 years would be adequate to enable civil servants to retire?—I cannot explain the principle upon which the calculation was drawn up by Lord Wellesley, but you will find it distinctly recorded in a minute which he sent home about 1801, that 25 years was the period in which a civilian might be expected to be able to retire with a competency.

4487. Sir *R. H. Inglis.*] Was not the rate of Indian interest at that time 12 per cent.?—It was.

4488. What is the Indian interest upon accumulations now?—I am sorry to say that they are going to reduce it from five per cent. to four.

4489. In other words then, the prospects of the civil servant of making that competent provision for himself which Lord Wellesley had before him in drawing that minute, are reduced in the same proportion as the rate of interest upon the accumulations of officers in the civil service have been reduced, from 12 per cent. to four per cent.?—Yes.

4490. You used the expression, on a former day, that large and comprehensive principles of Government have made but little progress in India; is not it the case, that in several respects the laws of British India have been, and still are, in advance of the laws of England?—That observation of mine had reference entirely to the native community; it was in reply to a question, whether it would be advisable to admit natives into the Government of India, either into the Executive or Legislative Council; I then said I believed that it was necessary for the European mind to take the lead and direction; I referred entirely to the native community, and not to Europeans.

4491. Is it not the case, that the laws of British India have been, and still are, in advance in several respects of the laws of England?—In many cases they are in advance of them.

4492. Did not Lord Cornwallis put the subjects of the Government in India upon an equal footing with the Government in every possible case of litigation?—Exactly so.

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4493. A native may prosecute the Government upon every imaginable case of grievance?—Yes, I have stated that in my evidence on the previous day.

4494. Sir *J. W. Hogg.*] A native may even sue the Government in *formâ pauperis*?—I believe so.

4495. Mr. *Mangles.*] You spoke of the inferiority of the Government of Bengal to the Government of the North-Western Provinces; may not it be the case that the character of the people and the nature of the climate may have a great deal to do with the superiority in the one case and the inferiority in the other?—I have already said, in reference to the police, that I consider the inferiority of the police in Bengal to arise, to a considerable extent, from the want of spirit and courage in the people.

4496. Generally, as to the inferiority of the Government, do not you think that the climate and the character of the people may have a great deal to do with it?—The difference between the character of the people in the North-Western Provinces and those in the Lower Provinces of Bengal seems to consist chiefly in the existence of greater courage and spirit among them; but I believe there is just the same spirit of chicanery in the North-West as you have in Bengal.

4497. In the single case of tours taken by the Governor, is not it much more easy and pleasant to take tours in the North-Western Provinces than through Bengal?—We have so very few roads in Bengal, that it is much more agreeable to make tours in the North-West than in Bengal; but the climate during four months of the year is just as agreeable in Bengal as it is in the North-Western Provinces.

4498. Is not it the case, that the communication throughout Bengal is kept up, from the nature of the country, in a great measure by water-carriage, and not by marching or travelling?—They have only one road in Bengal, a branch of the great trunk road, which was made in order to communicate with the road which passes through the North-Western Provinces. In many districts where roads might have been kept up, they have been neglected; in the eastern parts of Bengal there is a great deal of water communication, but I believe that in more than half its districts the communication is almost entirely by land.

4499. If there were the finest road in the world, would anybody go to Dacca otherwise than by water?—No, I do not think he would; he would always prefer going by water; the Governor-general is now on his tour at Dacca, and he has preferred to take advantage of the steamer.

4500. Do you suppose that that would be so pleasant as travelling through the North-Western Provinces in the cold weather?—I do not know that it is not as agreeable with a good steamer, and especially with the Governor-general's new barge.

4501. You spoke of its not being desirable to have Councils in the minor Presidencies, supposing the Governor selected were a man of Indian experience?—Yes.

4502. Are you aware that Sir George Clerk, a man of very great Indian experience, gave it as his deliberate opinion, upon the whole, after mentioning the inconveniences arising from it, that it was desirable that the Governor should have a Council?—I have heard that Sir George Clerk delivered that opinion before this Committee. His opinion is certainly entitled to very great weight; but Sir George Clerk may have been speaking under a feeling of delicacy, because he was generally at variance with the members of his Council.

4503. He distinctly said, that in spite of those variances, to which he alluded, he was still deliberately of opinion that a Council was desirable to advise and check the Governor?—There are other opinions in India, perhaps, entitled to as great weight as Sir George Clerk, which are against the appointment of Councils, and for the concentration of authority in one individual.

4504. Yet he was the only witness who has been before the Committee, who, having had Indian experience, and having had a Council, nevertheless gave his opinion in favour of a Council; are the other authorities of equal weight, to which you allude; in the same position in both respects?—I do not think there is any other individual who has been Governor of the North-Western Provinces without a Council, and a Governor of either of the minor Presidencies with a Council; I can only speak as to the general opinion which, I think, is entertained in India; I apprehend that the general wish of the people at Madras and at Bombay is, that the ablest men at those Presidencies should be appointed Governor, in the same manner as Mr. Thomason is.

4505. Would not that take away from the civil service some of those highest prizes, which it is very desirable to offer to them?—If you appoint two members to the Supreme Council from Madras and from Bombay, and also a member of the Madras civil service and of the Bombay civil service as Governor, you will give them much more than you take away from them.

4506. Sir *G. Grey.*] In comparing the Government of the North-Western Provinces with that of Madras and Bombay, you stated that one advantage which the former possessed was that the Lieutenant-governor was not liable to be removed till after a certain period?—He is not liable to be removed, whereas the other Governors are expected to move off at the end of five years.

4507. Do you consider that the limitation of time during which the Governors of Madras and Bombay generally hold their offices is injurious?—Generally, I think, it is injurious. Mr. Thomason's continuance at the head of the Government for nine years, with all his accumulated experience, has certainly been found very beneficial to the interests of the country.

4508. If your recommendation were adopted, that the Councils should be dispensed with, and Indian servants from the military or civil service appointed to the government of Madras and Bombay, would you recommend that those appointments should be for an indefinite period?—Not altogether indefinite, but for a much longer period than five years.

4509. Sir *T. H. Maddock.*] To what degree do you consider that the difference in the character of the administration in the Upper Provinces, and in the Lower Provinces of Bengal, and the difference in the social position of the people in those two parts of India, is attributable to the circumstance that in the Upper Provinces the native institutions of the country, arising out of the tenure of land, have been allowed to continue very much in the same position and upon the same conditions as they were under former Governments for centuries; whereas in Bengal, the whole frame of society was subverted by Lord Cornwallis's perpetual settlement of the revenue?—The existence of those village communities, which I believe is the point more particularly referred to, must give a considerable advantage to the officers of Government in managing the administration of the different provinces; but those institutions had been broken up in Bengal before Lord Cornwallis's time. What Lord Cornwallis did was to grant the landed estates in perpetuity to the zemindars, and a good deal of the misery of the natives of Bengal is certainly to be attributed to the system that was introduced by Lord Cornwallis, which threw all the power into the hands of the zemindars, and left very little protection for the ryots.

4510. Is it now possible, without a breach of faith, for the Government in any degree to retrace its steps with regard to the land settlement of Bengal?—I do not think it is possible; the natives consider the settlement as irrevocable, and any attempt of the Government to tamper with it, would certainly be considered a breach of public faith.

4511. And you consider it impossible now, at this distant period, to restore to their rights in the land all those who were dispossessed of them by the gift of Lord Cornwallis of the proprietary rights in the lands, to those persons who are mere farmers of the land?—I do not think it possible to restore the lands to those who originally held them, but it may be possible for the Government to make under tenures perpetual, and thus to create a new interest in the land; at present, as the Committee is aware, when an estate is sold for arrears of revenue, all under tenures are *ipso facto* cancelled, but if the Government were able to devise some means for preserving those under tenures, it would create a new tenure of land, which might be found exceedingly advantageous to the interests of society.

4512. And without any injustice to any class of persons?—Without any injustice whatever; the regulation was intended solely for the protection of the interests of the Government.

4513. Mr. *Mangles.*] Should you say that all under tenures are cancelled by a sale for arrears of revenue; are not you aware that all tenures existing at the time of the settlement are specially reserved?—I speak of all tenures which have been created since the decennial settlement; the Government leaves the others in the same position in which they stood before 1793.

4514. Is not that a large exception, and in some parts of the country a very large exception?—The exceptions are gradually growing less and less; that is to say, the under tenants are unable, in most cases, to prove that they possessed any rights before 1793, and those rights are becoming gradually extinct.

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4515. Mr. *Elliot.*] Is not it the case with regard to Putnee tenures in Bengal and Hooghly, and that part of the country, that there is a provision made by which the under tenants are able to avoid the loss of their land upon a failure in the payment of the revenue by the zemindar?—They are able to protect their own interests by paying up the arrears that may be due, but the law is that the tenure becomes otherwise void.

4516. Still they have the power, by paying the Government revenue, to save their own talooks from sale?—They have that power.

4517. Mr. *Hume.*] Are the Committee to understand, that if the zemindar's portion of the rent has been paid by the tenant to the zemindar, they are obliged to pay over again what may be due to obtain the preservation of their rights?—That may or may not be the case, but I have not at this moment a sufficiently distinct recollection of the provisions of that very voluminous Act to be able to answer it with certainty.

4518. Mr. *Elliot.*] Has not that Act, in fact, been found to answer the purpose of saving the undertenants from forfeiting their holdings?—It has, in many instances.

4519. You have stated that you prefer the system of individual responsibility in the Governors to that of aiding them by a Council; do you extend that principle to the Governor-general of India?—No, I meant it to apply to the Governors of the subordinate Presidencies.

4520. If that is a good principle to extend to the Governors of the subordinate Presidencies, why would not it be a good principle to extend to the Governor-general of India?—You must have a Supreme Council in India for the general management of its affairs; where this supreme control is vested, you require more than a single individual. You must always send out a Governor-general from this country; I believe this necessity is generally admitted; but the Governor-general on his arrival is necessarily, to a considerable degree, unacquainted with Indian affairs; and that is one reason why it appears necessary that there should always be a Supreme Council to assist in the management and government of India.

4521. Since the men whom you selected to fill the situations of Governors of the Presidencies, though men of high character and ability, must, like other men, be liable to err, is not it of very great consequence that there should be somebody at hand possessing authority to object to measures which may be proposed by them in Council, and to record those objections, so that the whole circumstances should come home on record for the Court of Directors to consider the decision which has been come to?—That may be a very considerable advantage; but on the other hand, when we perceive how the Government of the North-Western Provinces has worked for the last 18 years without any such Council, I should rather give the preference to a system which imposed individual responsibility upon the Governor than to the present system.

4522. Do you not consider Mr. Thomason to be a very extraordinary and a very remarkably efficient public officer?—I think Mr. Thomason is a most efficient public officer, but I could not take upon me to say that he is extraordinary in any sense which would imply that there was no other individual in the service capable of filling his place.

4523. Do not you think it would be difficult to go on finding a succession of men like Mr. Thomason so particularly qualified for that particular office?—I think you would have very little difficulty in always procuring men of sufficient ability, equal to Mr. Thomason in the service, and more especially if it were known that the situation of Governor was open to competition. Many men would, in that case, lay themselves out for it, and prepare themselves for it, from the period of their first arrival to India.

4524. I understood you to say that you would recommend in those presidencies where there was a Governor without a Council consisting of civilians, the Commander-in-chief should be in the Council?—Not that the Commander-in-chief should be in the Council. I merely said that it was supposed there would be some difficulty and embarrassment if he were not a member of the Council; that as the Commander-in-chief would have the control of the army, and a civilian would have the command of the general civil administration, they might not get on well together, and that questions might arise in which they differed, which might be detrimental to the interests of the public service.

4525. You do not propose that the Commander-in-chief should have a seat in the

the Council?—There would be no Council if the members of Council were discontinued.

4526. Are not you aware that the great difficulties which occurred at Madras in the years 1808 and 1809 arose entirely from the Commander-in-chief not having sat in the Council?—I consider that if any such difficulties should arise, with the present facilities of communication which we have, and are likely to have in the course of three or four years, the Governor-general would be able to interpose before any disastrous consequences could occur.

4527. You think that it would be quite unnecessary to provide against such a contingency?—Quite so. By the electric telegraph the Governor-general would receive information of it in the course of three or four hours, and he would be able, if it were necessary, to hasten down to Madras in a steamer in three days.

4528. Mr. *Lowe.*] If the Council were abolished at Bombay and Madras, do you think it would be right or desirable that the offices of Governor and Commander-in-chief should be combined in the same person, leaving him without any Council?—My suggestion rests upon the supposition that the Commander-in-chief should be sent from this country, and that the civil Governor should be appointed in India from the members of the civil service.

4529. You would take the Governor always from the members of the civil service?—Generally; not, however, to the exclusion of a member of the military service, if a man of extraordinary genius, like Sir Thomas Munro or Sir John Malcolm, were to turn up.

4530. In that case, there would be necessarily an officer from England acting as Commander-in-chief in the Presidency?—Yes; that is the general rule at present.

4531. Mr. *Elliot.*] At what age does a young man in the civil service generally go to India from this country?—I think they come to India at the age of 19.

4532. When they have been there 30 years they are 49 years of age; do you consider a man of 49 years of age so worn out as not to be fit to be a member of the Council?—I think you would find, in most cases, that after a man has been 30 years in India he has seen his best days, and that the vigour of his faculties has begun to decay.

4533. Mr. *Lowe.*] With regard to the press of India, are you of opinion that the institution of a free press in India rendered any modification of the system of government necessary?—There have been some discussions upon that subject in India, but I have not made up my mind upon it, nor have I heard any definite opinion upon the subject.

4534. With respect to secrecy, do you apprehend that the extent of secrecy which you say exists is a proper institution, combined with a free press?—I think the less secrecy you have the better.

4535. Is not the effect of secrecy that it deprives the newspapers of their legitimate pabulum, and rather drives them to make the most of such things as they have?—I did not refer to that, because I believe that the editors of newspapers, in almost every instance, have been able to obtain access to particular documents, when it was their interest to do so, though not to statistical documents. On some occasions, the editors of the newspapers in Calcutta have succeeded in obtaining particular documents connected with the political department, in spite of all the exertions of the Government to keep them secret; and it has been said that there is no Government paper which may not be obtained by applying a little bribery and corruption to some of the subordinate clerks.

4536. Do you think it would be wise in the Government of India to have a recognised official organ, like the "Moniteur," in France?—I scarcely think it would.

4537. Will you be so good as to state what you think would be the objection?—A paper like that must be edited by some one who is paid by the Government; and he would be obliged then to undertake the defence of all the measures of the Government, and the journal, therefore, would not carry the same weight as an independent paper. I think, also, that it would attract so much envy and opposition on the part of the other members of the press, as to a considerable extent to embarrass the Government.

4538. Do you think that the present relations of the Government to the press in India could in any way be beneficially modified?—As I have stated before, I should have been very happy to have read the paper which Mr. Colvin sent to me,

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in which he gave me Lord Auckland's opinion upon the subject, and mentioned the mode in which he had endeavoured to soften the hostility of the press, after a free press had been established, and to clear away misrepresentations by communicating information to the newspapers. I think the Government might be much freer in communicating information to the press, and that it would be exceedingly advantageous, not only to the general interests of society, but also to the Government itself.

4539. What strikes one forcibly is this, you are educating the Hindoos and giving them a free press; the press, with very few exceptions, all writes one way, that is, against the Government, with very imperfect information, while the Government is comparatively defenceless; can you suggest anything in the shape of a remedy for that?—The only remedy which I could suggest would be a freer communication of information to the press, by whatever means the Government might deem most advantageous, but scarcely by the establishment of a paper which should be regarded as the particular organ of the Government. In almost all instances, I have seen public misrepresentations removed as soon as correct intelligence has been communicated regarding the measures of the Government; the feeling of dissatisfaction arises, in almost every case, from ignorance of the motive which has influenced the conduct of the Government, which is therefore misrepresented.

4540. When you speak of the press, do you mean the whole of the press, or would you have the Government select certain of the more respectable newspapers?—I think there should be a freer communication kept up between the Government offices and the editors of the newspapers generally. Lord Auckland said, that wherever he found a paper disposed to do justice to the Government, he authorised the Secretary to make a free communication of any paper or any information, the publication of which might not be deemed detrimental to the public interests.

4541. Would you allow particular servants of the Government, whose conduct is impugned and attacked, to defend themselves in the press by letters, giving their names, as persons do in the papers in this country whose conduct is reflected on?—The public servants in India are placed in a very invidious position. They are continually attacked by the newspapers, but do not feel at liberty to defend themselves; on the other hand, if you were to allow them, in every case, to defend themselves, they might be deemed to admit the charges in every instance in which they did not thus defend themselves.

4542. Is not that a matter rather of discretion, which every public man is obliged to practice; some things he passes over as unworthy of contradiction, and reserves his contradiction for greater and more important matters?—That might be the case; I think even an anonymous defence, in which the circumstances of the case should be put clearly before the public, would be far better than the present system of silence which they are obliged to adopt.

4543. You object to the system of silence?—Entirely so, because their characters now are at the mercy of every slanderer who chooses to write an article or a letter in the papers, and they have no means whatever of defending themselves. The most atrocious charges are frequently brought against them, but they are told that they are responsible to the Government, and not to the public, for the integrity of their conduct. These slanders remain uncorrected, and inflict a great deal of injury upon them as public men, and are exceedingly distressing to their families and friends in this country.

4544. You think that they ought to be allowed to defend themselves anonymously?—Yes, I think they might be allowed to defend themselves anonymously. I am not certain that the Government might not safely take off the restriction, or give permission in particular cases for individuals to defend themselves.

4545. Are not those libels on public servants very extensively copied into the native press?—I think there is a disposition on the part of the editors of such newspapers to give additional circulation to anything that may injuriously affect the character of public officers.

4546. Mr. *V. Smith.*] Will you state to the Committee which is the restriction that prevents Government servants writing in the newspapers; is it contained in an order of the Government?—Yes.

4547. Mr. *Lowe.*] With respect to libels, the law in India is much the same as it is in England, is not it?—Yes.

4548. Have public servants the full right to avail themselves of the law of libel?

libel?—I believe in every instance they may bring an action against a libeller in the Supreme Court.

4549. Do you think, considering the nature of the Government in India, and the peculiar position of a free press there, the law of libel adapted to a free country is altogether well suited for India?—We do not consider that a man gains anything by resorting to the Courts; in too many instances the case is decided not upon its merits, but upon some technicality, so that the character of the individual remains just where it was before.

4550. Do you think that a modification of the law of libel would be an advantage?—That is rather a legal question, which I am scarcely competent to enter into.

4551. Have you seen evils result from the technicalities which now beset the law of libel?—Yes; I think the administration of the law of libel might be rendered much more simple and efficacious, and less expensive; I believe in no instance is a libel case got through the Supreme Court under a cost of 300*l.* or 400*l.*, and in some cases 500*l.*

4552. Sir *G. Grey.*] In the case of a civil servant applying for a criminal information, would not he be able to deny upon oath charges which had been brought against him?—I believe so.

4553. Mr. *Labouchere.*] When you speak of libels, do you allude to attacks on personal character, or severe attacks on the political conduct of the individual?—To both; there are numerous attacks upon the private characters of individuals in the papers; but I allude more particularly to attacks upon their public conduct, because the Government would not consider it necessary to prevent any man defending himself in a case of private slander; it is merely in reference to the affairs of Government entrusted to a public officer that the Government considers him as responsible to it, and not to the public, and therefore objects to his meeting any attacks which may be made upon him in the public press.

4554. That would produce a controversy upon a political question, upon which there might be a fair difference of opinion?—Yes.

4555. Viscount *Jocelyn.*] At the present moment there is no objection to a man anonymously defending himself in the public papers, is there?—He may do it anonymously, but, generally speaking, he will be detected; some particular exclusive information which he may bring forward will lead to the suspicion that he has written the letter, and it is contrary to the wishes and to the orders of Government that public officers should so defend themselves.

4556. Do you believe, if the libel affected the character of a public servant, and such a defence were not injurious to the public interests, the Government would take any serious offence at it?—I believe there have been one or two cases in which the Government has severely reprimanded public servants, especially at Madras, for having rebutted a charge brought against them in the columns of a newspaper, and it is therefore considered to be the will of Government that they should in no instance avail themselves of the papers for the defence of their character.

4557. Mr. *V. Smith.*] Does that prohibition extend to anonymous writing, as well as to other writing?—Not to anonymous writing; but it would be very difficult for a man to defend himself in a case in which he was personally interested, without making allusion to information which would enable Government to detect paternity of the communication.

4558. If it were discovered, would he be censured for having written it, though he had written it anonymously?—It is very likely he would, and the dread of such censure induces many men to sit down under slander instead of refuting it.

4559. Viscount *Jocelyn.*] Do not you think that they do, in many instances, rebut it?—In not half as many instances as they might do it; there may be occasionally an instance in which a man either writes a letter anonymously in the paper in his own defence, or gets a friend to write it; but the general feeling among official men is, that it is contrary to the wishes of the Government, and they would therefore rather avoid any contravention of that wish.

4560. Mr. *Labouchere.*] You stated, that it was generally thought that documents of a confidential nature could be procured in the different offices in India by bribing the clerks; do you share in that opinion yourself?—I have known instances in which they have been procured; I can mention, in particular, an instance, in reference to the late King of Burmah. He employed parties in Calcutta to obtain copies of the despatches which the Government sent to the

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Resident at his Court, by douceurs; he thus had access to almostall te despatches which were sent.

4561. Do you believe that state of things to be a necessary consequence of the employment of such persons as must be employed in the lower situations under the Government in India, or do you think it is the effect of the bad constitution of the public offices, which might be remedied?—The Government has endeavoured in every such instance to find out the offender, and he has always been punished when detected; still we find that the offence is frequently committed. It may possibly arise from the character of the inferior clerks, and the smallness of the allowances which they receive.

4562. Mr. *Mangles.*] You said that you thought it desirable that public officers should defend themselves in the public press; is it your experience that in any country a public man obtains any advantage by replying to the editor of a newspaper?—It may not be so necessary in this country, because there are other means by which a public officer may be defended; but in India there is no opportunity whatever for him to set the public right regarding his conduct, except through the means of the press.

4563. Has not the editor of a newspaper always the last word, and may not he refuse to insert a communication addressed to him?—In any case in which it was known that an editor had refused to insert a reply to any charge he had brought, it would injuriously affect the character of his paper.

4564. Mr. *Hardinge.*] Are not attacks in the newspapers upon public men so numerous, that if they answer one they must answer all?—I cannot say that that is so; I do not think they are so numerous as the Honourable Member seems to suppose. There are some papers which are unscrupulous in admitting attacks, and rather invite them; but I think, generally speaking, the press in India desires, for its own sake, to obtain a reputation for impartiality; and that in every instance in which a slander has been published, there has been little, if any, difficulty in obtaining the insertion of a refutation in the paper.

4565. Would not the time of public men be almost wholly taken up in meeting all those attacks upon them?—I do not think that the attacks are so numerous as to require so large a devotion of their time.

4566. Do you think that members of the civil or military service, if appointed Governors of the minor Presidencies, might be influenced by certain prejudices, acquired by long residence in India, from which Governors sent out from England would be free?—There would be always some little danger of that contingency. You have to balance that danger against the advantage of having a man of superior ability at the head of affairs.

4567. Might not there be some objection raised as regards the distribution of patronage?—Yes; that is also one of the difficulties in the way, but it would still be advantageous to have an individual at the head of the Presidency fully acquainted with its affairs, even although there might possibly be some little bias in the distribution of his patronage.

4568. Sir *T. H. Maddock.*] Do you think that the Commander-in-chief of the Forces at those subordinate Presidencies would be entirely subordinate to the Governors of those Presidencies?—He would be subordinate to the Commander-in-chief of India, who would act under the orders of the Governor-general and the Supreme Government.

4569. He now is subordinate to the Governor in Council, at each of those Presidencies; the object of my question is to know whether, in the plan you suggest, you contemplate that he should continue subordinate to the Governors in the Presidencies?—I do not exactly understand in what way you suppose him to be subordinate. The army of Bombay is under the general control of the Governor in Council of Bombay. The same is the case with the army at Madras.

4570. My question is for the purpose of ascertaining whether you propose to continue the same subordination of the armies of those Presidencies to the Governors of those Presidencies?—I have not contemplated that the Commanders-in-chief at the minor Presidencies should act in absolute subordination to the Governors of the Presidencies, because I think they would act in all cases in subordination to the superior authority of the Supreme Council and the Commander-in-chief of India, and that if any difference of opinion arose between the Commander-in-chief at the subordinate Presidencies and the Governor, who might thus be appointed, a reference could be immediately made to the Governor-general and the Supreme Council before any mischief arose from it.

4571. Wherever there is any portion of the army, such as at Hyderabad, or at Nagpore, the Commander-in-chief of the army is entirely subordinate to the representative of the Government: you would not place the Governor of Madras and the Governor of Bombay in a position in which they would not have the complete control and direction of the armies of those Presidencies, would you?—The armies at Hyderabad and at Nagpore are not under the control of the Government of Madras, I believe, but under the direct control of the Government of India.

4572. The direct control of the Resident?—The Resident is entirely controlled by the Government of India, and is not in any measure responsible to the Government of Madras.

4573. In the same way in which he is responsible to the Government of India, the Governors of Madras and of Bombay would, under this system, be responsible to the Government of India?—Yes.

4574. What I wish to gain is, your opinion of the position of Commander-in-chief of the army in relation to the Governors of those Presidencies?—I think they would be at the head of two different departments, and that any difference of opinion on any measure might be referred to the supreme authority.

4575. Can you imagine a case in which the Governor of Bombay deemed it expedient to send a force of 4,000 or 5,000 men, but, not having the absolute control over the army of Bombay, the commander of that army was not bound to obey his orders?—I think such discretionary power might be vested in the hands of the Governor, just in the same manner as you vest in the political agent authority to call out, in cases of extraordinary necessity, the troops which are within the circle of his authority.

4576. You would, of course, allow him to have the entire direction of the movements of this army from station to station?—I should say that the arrangements regarding the internal movements of the army, if not committed to the Commander-in-chief himself, might be carried out in conjuncion with the Governor.

4577. You do not suppose that it would be practicable to allow the commander of an army to regulate its distribution without the orders of the country, do you?—No; with regard to the distribution of the army, there must be concert between the two authorities.

4578. Must not there be a superior authority to direct the whole?—That superior authority, I should say, would be exercised only on emergent occasions; on all ordinary occasions the civil and military chiefs should be required to act in concert, and any difference of opinion should be referred to the superior authorities. I have already stated that I believed there was a difficulty with regard to the question of the army, and, as I am not a professional man, it is impossible for me to solve it; I recommend the appointment of a civilian to the office of Governor, only on the supposition that the military difficulties might be obviated.

4579. *Chairman.*] Have you at all considered the present form of the Home Government, and can you state your view as to the propriety of any change in it?—I have been so long absent from this country, that any opinion I might venture to offer to the Committee must be given with very great diffidence. Every one is fully aware of the anomaly of the present system of administering the Government in India. The body which was appointed for the management of a great commercial enterprise has now to administer the government of a large empire; and it is certainly an anomaly, that 2,000 holders of stock, many of them ladies, who have no interest whatever in India, should still appoint its governors. But however anomalous it may be, I think there have been both advantages and disadvantages connected with the present system.

4580. What do you consider to have been the advantages?—The advantage appears to be, that you have a body of men for the administration of the affairs of India, and for the distribution of its patronage, who are not elected in subservience to any political party. The great desideratum regarding the Government of India, is, that you should have a body of independent men, and that it should not be brought into the vortex of English politics. In India the prescriptive rule among the natives has always been to turn power into money; here power is almost always converted into political or Parliamentary influence; and it is to be dreaded, therefore, if you break up the present system entirely, that men may be appointed to the direction of the Government of India under the impulse of political influence, which would be, I consider, extremely detrimental to the interests of the

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Government and to the interests of India. At present no man is appointed to the Direction because of the political party to which he belongs; and this has had a strong tendency to exclude political and party feeling from the Government of India, so that no one asks, when a man is chosen as a Director, whether he is a Whig or a Tory.

4581. What do you consider to be the disadvantages of the present system?—The disadvantages of the present system seem to consist in this: that those who are candidates for the Direction, are obliged to undergo a very humiliating canvass of six or seven years. No man is elected to the Direction simply on the ground of his being well qualified, from his knowledge of India, for the government of that country; and no man is rejected simply because he happens to have no knowledge whatever of India. The merit of a candidate is, to a great extent, a happy accident; moreover, as this canvass lasts for six or seven years, even those from India who obtain a place in the Direction come in after almost all their Indian sympathies have been blunted, and their knowledge of its affairs is out of date.

4582. Have you ever thought of any remedy for that state of things?—I have sometimes thought, that if you still continue to keep up this system of a double Government, that is, of the Court of Directors and the Board of Control, it would be an advantage if one-fourth, or even one-third, of the Directors were appointed by direct nomination from among those who have had long Indian experience, whether acquired officially or non-officially. With regard to the nomination of those Directors, if it was considered constitutionally improper that they should be appointed by the Crown, they might be selected by the Court of Directors, and the Minister for India might have a veto upon their nomination.

4583. You have heard that the question of having a single Government appointed by the Crown, has been alluded to by some of the witnesses before this Committee; have you turned your attention to that subject?—I have always considered that, in that case, you would run great risk of rendering the Government of India subservient to home politics; and individuals would be selected for office, not so much in consequence of their merit, as because they possessed Parliamentary influence, and that would be exceedingly injurious to the interests of India.

4584. Are you then in favour of continuing the present structure of the Government of India?—I think if you continue the double Government you might introduce into it this modification, of appointing a certain number of the Directors, either by the Crown, or by the remaining body of the Directors themselves. It was evidently the intention of Parliament that the present arrangement should entirely cease 20 years hence. The basis of the system, of course, is the body of proprietors; when the proprietors cease to exist, there can be no Court of Directors; the proprietors are to be absolutely paid off in April 1874, upon which the whole of the present system of Government must cease and determine; and it has occurred to me that it might be possible to prepare for the great change that would then become necessary by the nomination of a certain proportion of the Directors, so that the public, and the public authorities, would have an opportunity of seeing intermediately how the newly-modelled machine worked.

4585. The Committee understood you to say, that you thought the adoption of a single Government under present circumstances would be objectionable; are the Committee to understand that you would be in favour of the continuance of the present system of Government, with certain modifications?—If it were left to me, I would rather vote for the continuance of the present system, because I think that a change, such as the transfer of the whole of the Government of India from the Court of Directors to the Crown, and similar to that which was proposed by Mr. Fox in his Bill, would be much too violent and sudden, and that it would tend very much to embarrass so vast a machine as that of the Government of India. It would require so many changes as to be, even on that ground, altogether unadvisable; and I think it would be more advisable to prepare for the change which must take place 20 years hence by gradually remodelling the Government, and seeing how the partial nomination of individuals worked.

4586. Are you prepared to state to the Committee whether the opinion which you express is shared by a considerable proportion of the English residents in India?—I can scarcely undertake to represent their wishes, because there is a great diversity of opinion upon the subject. I think, generally speaking, the public servants in India are rather in favour of the existing order of things; but there

there is a large body of men out of the service, including, I believe, some editors of public newspapers, who are for transferring the whole Government to the Crown. But public opinion is so divided in India upon this subject, that I should be sorry to be considered as representing the views of those who reside there.

4587. Have you had an opportunity of observing the effect of the present system of patronage, more especially regarding the civil service?—The patronage of the civil service is the remuneration which the Court of Directors receive for governing India. As it regards the mode in which that patronage has been exercised, I believe every one will most readily allow that the civil servants in India are perhaps as high principled and as honourable a body of men as can be met with in any public service; the service also contains a great number of men of very great ability, and of this we have the best evidence, from the selection which has been made by the Ministers of the Crown of four or five of the most eminent civilians for the government of the Crown Colonies; but, at the same time, we have had often to remark that men of very inferior qualifications have been pushed into the service by the patronage which is exercised by the Directors.

4588. The appointments to office in India depend upon the Government of the country; does not that keep back men of inferior ability?—It has been said that the civil service has a vested right in the offices belonging to it, and such seems to be the general opinion in India; for unless charges of corruption or venality are substantiated against a civilian, or unless he is utterly incompetent for the discharge of his duties, he is sure to rise into office with the general tide of seniority. It therefore becomes the more necessary that none but able men should be sent out in the civil service; there are many instances in which officers of exceedingly inferior ability, and scarcely able to manage business at all, having once got into the service, and moved on without committing any great mistakes, are appointed to situations of very considerable importance, for which they are utterly unfit.

4589. Are not the present examinations a guarantee against that?—I think, if we are to judge of the strictness of the examination in England by the result that we see in India, it must be very tender and delicate indeed; there are certainly many men of first-rate ability sent out, but we have to lament in India that too many of the civilians have been men of exceedingly inferior abilities, who would not have been sent out if the examination had been sufficiently strict. We generally consider that as soon as a man has obtained the promise of a writership for any of his sons, the appointment is liable to no subsequent contingency; and that though he may possibly be rejected once or twice, he is sure eventually to obtain admission into the service.

4590. Are you prepared to recommend to the Committee any change in the present system of patronage?—In India it has been a very general opinion, that if one-fourth, or a certain number of the writerships, were given as prizes to the great public institutions in this country, we should be likely to have a superior order of men; and that, if the final, as well as the preliminary examination at Haileybury, were made more stringent than it is at present, many of those who are unworthy of the service would be excluded from it.

4591. Have you observed the result of the education at Haileybury?—I have never been at Haileybury myself; I can therefore only speak in regard to what I have had opportunities of observing in India. I would remark on that subject, that there seems to be a great deal too much attention paid to the study of Oriental languages at Haileybury; more especially to the study of Sanscrit. Every student is obliged to devote a large portion of his time to the acquisition of Sanscrit, which is of no manner of use whatever to him in India. I think, therefore, that the course of study might be advantageously modified; that the object should be to complete the English education of the students, and that it should be left entirely to the Government of India to commence and mature and complete the Oriental education of the students. We find that a man obtains more knowledge of Oriental languages in one month in India, than he can possibly acquire in six months of the deepest study at Haileybury.

4592. Will you state if the Government in India have made any new arrangements respecting the examination of civilians, and will you describe those arrangements?—Yes. Heretofore civilians were sent out into the public service as soon as they were pronounced qualified in two languages by the examiner; but it was found that many of the men who were thus reported to be qualified were

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utterly unable to understand anything which was addressed to them in the courts, or to say anything to the suitor or to the officers of the court which should be intelligible. The Government formerly had no means of ascertaining whether a civilian who went away unqualified from the college, did qualify himself by obtaining a knowledge of the languages, afterwards in the course of public business. It was repeatedly pressed upon the attention of the Government that there should be some subsequent examination after a civilian had been for some little time in the public service. Rules were accordingly drawn up which I have brought with me, and if the Committee will permit me I will read a single page, which will explain the nature of the examination to which the students are now subjected: "The second standard of examination shall be similar in its nature to the first, but greatly more difficult in degree. In the vernacular portion of it, the reading of the most common office running hand must be tolerably ready; the papers selected as tests should be of the most difficult description of office papers; the dictation and conversation should be fluent, correct, and idiomatic; and the assistant should be tested in his power of explaining himself clearly, and with sufficient propriety in the vernacular, in a difficult argument or topic, such as may occur in official business. In this examination it will be necessary for the assistant to pass in both vernacular languages, Bengalee and Hindostanee. The test here described shall be strictly enforced in respect of the language of the district where the assistant is stationed at the time of examination; but an allowance will be made for want of familiarity in the other languages. In that other language, however, the first standard of examination must be decidedly surpassed at this examination. The question of law and practice should be selected from the whole field of the duties of a magistrate and collector, but they shall be arranged in two classes: one class comprehending important and leading points, in answering which no books shall be allowed; and the other class, comprehending less general and less common points, in answering which the assistance of books shall be allowed. No guides, digests, or summaries however shall be permitted to be used, the assistant being confined to the original laws, circular orders, and constructions. The object of this class of questions is to test the assistant's knowledge of where readily to find the law or practice on the less common points that arise in business. In preparing these questions, nice and difficult points should be avoided; the object being not to evoke subtlety or ingenuity but only to ascertain whether the acquisitions and capacity of the person examined are adequate to enable him to perform fitly the important functions of an Indian magistrate and collector or not. The trial cases should be selected from those possessing enough of complexity to test the assistant's ability to master all ordinary difficulties, and especially to test his power of minute attention to, and just appreciation of evidence." These are the stringent rules which the Government has very recently adopted for the examination of civilians, after they have been appointed to the public service; and they effectually serve to secure a complete knowledge of the Oriental languages among the members of the public service; and it appears to be no longer necessary that any great attention, or in fact any attention at all, should be paid to the study of Oriental languages in this country.

4593. Some suggestions have been made regarding the re-modelling of the intercourse between the Court of Directors and the Board of Control; have you turned your attention to that subject?—I am unacquainted with the particular mode in which public business is conducted between the two authorities, further than the knowledge I have obtained by the perusal of public documents; but it has always appeared to me, and I think to many others in India, that the mode of communication between the two authorities by written documents is open to very great objection; that it has an inevitable tendency to create delay and embarrassment; and that, upon all those questions in which the Court of Directors have a voice, it would be advantageous if the President of the Board of Control were to meet them at a personal conference, and to hear all the objections which they had to state against any measure before he made up his mind upon the subject.

4594. It has been suggested that the constitution of the Court of Proprietors should be enlarged, so as to include holders of Government notes in India; what is your opinion upon that subject?—I think there would be considerable difficulty in it; I know that it has been suggested, more particularly by the natives themselves, because they consider that it would give them some direct influence upon the Government in this country. But there are very serious difficulties in the way; the

the Government securities amount to four times the aggregate of Indian stock in this country, and if the holders were admitted to give their vote in the election of Directors, they must be frequently disappointed; because the occcurrence of a vacancy could not be communicated to them in time for them to send home a vote by proxy. It has also been suggested that the holders of Government promissory notes in this country might be admitted to the same privilege which now attaches exclusively to the holders of India stock, but this must depend, in a great measure, upon the extent to which those notes are held by parties in this country. I think there was a document published some little time ago, by order of Parliament, regarding the amount of promissory notes held respectively by natives and by Europeans, from which if would appear that one-third of those notes are held by natives, and two-thirds by Europeans. The first question, therefore, would be, to ascertain what proportion of the holders of those notes were resident in this country.

4595. You are aware that Mr. Dundas was in the habit of bringing forward an Indian Budget every year; would you recommend that that practice should be renewed?—I think it might be revived with very great advantage. Mr. Dundas brought it forward, I believe, during the whole period of his being President of the Board of Control; and though that Budget was read latterly to very thin Houses, and was therefore discontinued, I think, if the practice was revived at the present time, it would be a very great advantage, not only to the Government generally, but also to the natives in India; it would give the Minister of the Crown who presided over Indian affairs an opportunity of offering explanations, and expounding to Parliament the state of the finances and the general position and prospect of affairs; and that it would serve to create an additional interest in the concerns of India.

4596. Have you any other suggestion to offer in connexion with this subject?—I would only further suggest, that if the Governors of the various Presidencies were required to draw up an annual report of the general state of the country, upon the same principle as the admirable report which was sent home regarding Canada by Lord Elgin in December last, and which I find printed as an Appendix to the Papers upon the Great Trunk Railway, it might be a very great advantage. This report should in like manner present a faithful representation of the progress of trade, and of education; the state of crime; the progress of our institutions and public works, and whatever else might be conducive to enlighten the public mind regarding Indian affairs. I think that this would be sure, in a great measure, to remove many erroneous impressions; that it would be invaluable as a record for future comparison; and that it might possibly create a spirit of generous emulation among the Governors of the various Presidencies.

4597. It has been proposed to postpone legislation for India to a future period, and renew the present arrangement for a time; what is your opinion as to the policy of such a course?—I think there was a general wish in India that legislation should be postponed till there had been a full and complete inquiry into the mode in which the Government had been administered; but that desire arose chiefly from the impression that Parliament, after having made the present arrangement, would again dismiss the subject of India for 20 years more, and never allow it to be brought under discussion till the termination of the new charter or of the new arrangement. But if, instead of extending that arrangement to 20 years, no period whatever was mentioned, and Parliament was deemed at liberty at any time to entertain any subject connected with India, or any memorial which came from India, that objection, I think, would be removed. On many grounds it appears advisable to complete the arrangement in the present year. I found, on my arrival in this country, that the subject of India was attracting a most unusual and unexpected amount of public attention. We had fully expected that the new arrangement would have been completed with little inquiry, and without any excitement. On the contrary, we are all astonished at the extraordinary interest which has been excited upon the Indian question. This, therefore, appears to be a very particular reason for completing the arrangements now; and when it is considered that next year there may come up great questions of foreign or domestic interest which would cast the Indian question entirely into the shade, it appears exceedingly advisable that the arrangement should be completed in the present year, more especially as the period of the old compact will expire in April next.

4598. Would you recommend the completion of this arrangement before the inquiry by the Committees in Parliament has terminated?—The arrangement

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which might be made, would embrace only the general form of the Government, both in this country and in India. None of the various details which have been brought before the Committee would be embodied in the Act of Parliament. For the arrangement of the general government of India, both abroad and at home, I think the Committee has received as much information as can be deemed necessary, and that nothing is to be gained by waiting for further light upon that subject. After having provided the best form of Government which you can devise for India, both here and abroad, these details and this examination which the Committee has been going into will be found of very great advantage in regulating the movements of that Government.

4599. By postponing legislation, do you think we should obtain further valuable information from India?—I do not think it is at all likely. It must be remembered that the Committee was appointed, I believe, in April last year; information of that appointment was communicated to India in the course of six weeks; the public mind was immediately excited upon the subject; the natives took a deep interest in it; they held meetings; they organised committees, and they have sent home a memorial from each Presidency, embodying their views as to the Government of India. I think, if they had intended to have deputed any delegates to make a personal representation of their wishes, they would long since have done so, for they have had ample time to do it. I know at one Presidency, that of Bengal, they have felt objections to coming home, on the ground that it interfered with the injunctions of caste. I think, therefore, that there can be no necessity whatever for waiting in the hope of obtaining further information from India.

4600. Mr. *Cobden*.] I understood you to say that you were in favour of a double form of Government; what two Governments do you mean?—I allude to the popular representation of the double form of Government, by the Court of Directors and the Board of Control.

4601. You speak of the popular form of expression; do you consider the Board of Directors to be the Government of India?—They are the Government of India, because the Act states that the administration is transferred to them for the period of 20 years.

4602. You are doubtless very well acquainted with the Act for arranging the Government for the East Indian territories passed in 1833; are you aware that in clause 25 of that Act, it provides that the Board of Control shall have "full power to superintend, control, and direct all acts, operations, and concerns of the said Company which in anywise relate to or concern the government or revenues of the said territories;" and that, again, in clause 109, all the powers of the Company are specially enacted to be subject to the control of the Board of Control, except as to the disposal of patronage?—Yes; I am aware of that.

4603. Do you, giving your own opinion, and not using the popular phrase, consider, with those reservations in this Act of Parliament, the Court of Directors of the East India Company is a Government?—I should be very sorry to say that it was not a Government; I think it is a Government controlled by the President of the Board of Control.

4604. Do you think it a power which is to be responsible to the Government of India?—It is difficult to say to whom it is responsible.

4605. Are they responsible either to the people of India, or to the Parliament of England?—They are not responsible in any measure to the people of India, but they may be considered responsible to Parliament for the due exercise of the powers which have been granted to them by the Act.

4606. Have any powers been granted by the Act, except the disposal of the patronage?—I am not clearly aware of the mode in which the business of India is conducted in this country. It is possible that the President of the Board of Control may have, as I believe he has, the right to overrule the decision of the Court of Directors in all respects; but still it is certain that a very large share of the Government of India does devolve upon the Court of Directors.

4607. The appointment of the servants of the Company is exclusively vested in the Directors of the Company?—Yes.

4608. And so far as the administration goes, those servants are responsible to the Company?—They are responsible to the Court of Directors.

4609. But in what way do you think the Court of Directors is responsible to Parliament?—I cannot speak decisively in answer to that question, because I have not had an opportunity of examining the machinery of the Government in this country;

country; but my impression is, that although the President of the Board of Control has a general control over all the affairs of India, and all the decisions of the Directors, yet a great many questions, and questions of the greatest importance to the administration of the British Government in India, are decided by the Court of Directors.

4610. In seeking to acquaint yourself with the form of government for India, you would resort exclusively to this Act of Parliament under which the present Government of India is constituted?—Yes.

4611. Do you find that by this Act of Parliament any discretionary powers are vested in the Court of Directors, except with reference to the disposal of the patronage?—I should think they are, in all matters, subject to the Board of Control.

4612. Admitting that the Court of Directors have no power in the government of India, how can you make them responsible either to Parliament or to the people of India?—Yet it was the intention of the Act to confer certain powers of action upon them, and to give a control over the exercise of those powers to the Board of Control.

4613. You admit that, unless a party has power entrusted to it, it cannot be responsible for the exercise of its power?—No; I can therefore simply state, that they are responsible for the exercise of all the powers given to them in that Act.

4614. You say still that this Act was intended to vest a certain power in the East India Company?—There must have been some object in view in creating the present Government of the East India Company.

4615. Did not you state that the object was to vest in a trading company certain powers of government?—Yes.

4616. You are well aware, of course, that the continued maintenance of the Company was with a view to escape the difficulty respecting patronage which was thought to have been experienced in the administration of our own affairs at home?—Perhaps; but at the time when that Act was passed, in 1833, the Ministry of the day, when they had it entirely in their power to have paid off the Court of Proprietors, and thus brought the whole of the East India Company to a termination at once, preferred to deposit two millions sterling to form a guarantee fund, and to expend six or seven millions in discharging part of the Indian debt, instead of paying off the proprietors of East India stock, which would have obliged them to create a new Government. The Ministry also provided that all the trading powers of the Company should cease, that their functions should be entirely imperial, and that they should devote themselves exclusively to the administration of public affairs. The objection, I think, which the question refers to applies rather to the Act itself.

4617. You say you believe that the intention of Parliament was to give certain powers to the East India Company; having admitted that no such powers exist, except in the disposal of patronage, you would admit that, if Parliament had such object, it has failed to accomplish it?—That must very much depend upon the working of the system. Although Parliament may have exempted nothing from the control of the President of the Board of Control, except the disposal of patronage, yet it is certain that the Court of Directors were intended to be a body employed in the administration of the affairs of India.

4618. To the extent of the disposal of patronage?—Not merely to the extent of the disposal of patronage; the patronage of the Court of Directors consists only in appointment to the service, and not in appointment to office. The great patronage still lies in the hands of the Governor-general and the Governors of the various Presidencies. All the patronage which the Court has to dispose of is the appointment to writerships and cadetships, and so forth.

4619. Will you explain to the Committee what power the Court of Directors have under this Charter Act beyond the disposal of the patronage?—I cannot exactly speak to that, because I have not seen the interior working of the system of either the Court of Directors or the Board of Control.

4620. I only wish for an answer founded upon this Act of Parliament for the Government of India?—All I can say is, if this Act of Parliament was intended to give them no power whatsoever, except the disposal of patronage, it could not be considered an Act for vesting the administration of affairs in the hands of the East India Company.

4621. I understood you to say, just now, that you thought it a disadvantage for the people of India that this question of the Government of India should recur in Parliament only once in 20 years?—Yes.

 4622. Would

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4622. Would not the renewal of the Charter in terms such as I have explained to you, have the effect of suspending that interest in the question of the Government of India, from the popular impression that we have given power to another body to govern India for 20 years?—To extend the arrangements distinctly to 20 years would certainly have the effect of weakening the interest which the natives of India might take in the arrangement.

4623. I understood you to say that you had found a great interest in England at the present moment, in consequence of the anticipated renewal of the Act for the Government of India?—Not in consequence of the renewal of the Act; but I found, on my arrival in this country, that there was an extraordinary interest excited on the Indian question generally.

4624. You spoke of the disadvantage of closing for 20 years the discussions in this country upon the subject of India, and you also referred to the desirableness of keeping alive the interest in Parliament on the question; would not it be defeating that desirable object, if a Government for 20 years be formed which, in reality, has no power for governing India, but which has the effect of lulling the mind of the people of this country into the belief that power has been delegated to another body to govern India?—In saying that the interest of the people in India would be kept up, I referred to the fact that the natives in India would be dissatisfied if Parliament were to legislate for the future government of India this year, before they supposed the inquiries were complete; and this upon the ground that, when an arrangement was made which was to last for 20 years, it was a mere matter of justice that a full and ample inquiry, such as, it is said, cannot be completed in the present year, should be entered upon regarding the Government of India. But I stated that if, instead of fixing a period of 20 years you mentioned no period whatsoever, and if the minister of India brought forward his annual budget, and thus afforded an opportunity for Indian questions to be asked and to be discussed every year, the objection of the natives to immediate legislation would be, in a great measure, removed.

4625. You contemplate that, in any form of Government which is to be established for India, it shall be a Parliamentary Government, open to the annual revision of Parliament?—Unless you establish a Government positively for 20 years, it must be always open to the revision of Parliament.

4626. You do not contemplate the renewal of the charter for 20 years?—I am proposing that you should make an arrangement for the future government of India, without mentioning any period during which that arrangement should be maintained.

4627. I understood you to say that you thought it would be a disadvantage to bring the Government of India within the range of our party politics?—Decidedly so.

4628. How do you contemplate bringing this question under the revision of Parliament without bringing it within the range of our party politics?—I think, if the Minister of India were to bring forward his annual budget, and give a general explanation of the efforts which had been made to improve the Government of India, and then you had an Indian debate upon the subject once at least in the course of the year, that would not be to bring the Government of India within the range of party politics; it would not lead to the appointment of members of the Court of Directors on account of their political predilections.

4629. The President of the Board of Control, who has an absolute veto in the government of India upon all matters excepting the patronage of India, is now liable to removal with a change of parties in this country, is he not?—Yes.

4630. You are aware that we have had three changes in that office in the course of one year?—Yes; that is, of course, inevitable, from the circumstance of the President of the Board of Control being a member of the Cabinet, which is one reason why I proposed that the double government should be kept up, because the appointment of the Directors of the East India Company would still be totally independent of all party politics, both as to those who were selected by the proprietors and those who were nominated; those who were thus appointed would be nominated either by the Minister for the time being, as vacancies occurred, or the Directors; in neither case would they be subservient to the Minister of the day.

4631. What power do you propose to give to the Directors of the East Company?—I simply propose that the President of the Board of Control and the Directors

Directors should sit together, and decide upon all questions, instead of exchanging written communications, as at present, which occasion delay and embarrassment.

4632. You would propose that the Directors should be a species of council to aid the President of the Board of Control?—They are little else than that at present, I suppose.

4633. Would you have them elected by an independent body of proprietors of East India stock?—I have proposed that a certain proportion of the Directors, instead of being elected by the proprietors of East India stock, should be appointed for their acquaintance with Indian affairs; those appointments might be made either by the Minister of the Crown, or, if there was any constitutional objection to that, the nomination might be made by the Directors, with a veto in the hands of the President of the Board of Control.

4634. Then they would be virtually nominated by the Crown, would not they?—Only in the same way as the Judges are nominated by the Crown.

4635. Would you make them irremovable except by a vote of Parliament?—I have not thought that it would be necessary to remove them, and I have not contemplated any arrangement upon that question.

4636. You are aware that the Judges are irremovable when once appointed?—I meant to say, that though the Judges are appointed by the Ministry, yet their appointment is not supposed to be subservient to party politics, nor are they considered as belonging to the party which has appointed them.

4637. You do not contemplate that the Council or the Court of Directors, or by whatever name you choose to call the body for assisting in the deliberations of any Minister for India, should be nominated by the Crown?—I propose that a certain portion, say two-thirds or three-fourths, should be elected as they are at present, but that, in order to admit into the Court of Directors men from India well acquainted with Indian affairs, while their information and their sympathies are fresh, one-third or one-fourth of the Directors should be appointed by nomination, and not by selection.

4638. Mr. *V. Smith.*] Would you require, as a qualification, that they should have been resident in India or not?—They should be nominated for their general acquaintance with Indian affairs.

4639. Mr. *Cobden.*] I understand you to say, that the Council, so situated with the President of the Board of Control, or the Minister for India, whatever he may be called, should not have a greater power than they have at present?—I do not mean that they should do more than they do at present, but simply that in lieu of the written communications, which create so much delay and embarrassment, the President of the Board of Control should meet the Court of Directors in person, and that personal discussions should take the place of written communications.

4640. Would not the Government of India in such a case assume very much the form of a Government of one of the Crown colonies at present?—The only difference between the plan I propose and that which now exists, would consist simply in the appointment of a few men by nomination, and the President of the Board of Control sitting with the Court of Directors, either by the Court of Directors going to the West End of the town, or the President of the Board of Control going to the East End of the town.

4641. Mr. *V. Smith.*] You would leave the President of the Board of Control a veto?—There should be no change in his present position, but simply that, instead of the present system of written communications, he should meet the Court of Directors face to face.

4642. Sir *C. Wood.*] I understand you to propose that the respective powers of the Court of Directors and the Board of Control should remain as they are at present?—Yes.

4643. The only difference being, that to a certain degree you would alter the constitution of the Court of Directors, by infusing a certain number of persons recently arrived from India, who should be selected by the Court of Directors, or nominated by the Crown, and that you would change the present written communications into verbal communications?—Exactly so.

4644. Mr. *Cobden.*] You are aware, that by Clause 109 of the Act for the Government of India, it is enacted, "that every power, authority, and function by this or any other Act or Acts given to and vested in the said Court of Directors shall be deemed and taken to be subject to such control of the said Board of Commissioners as in this Act is mentioned, unless there shall be something in the enactments conferring such powers, authorities, or functions inconsistent with

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such construction, and except as to any patronage or right of appointing to office vested in or reserved to the said Court." In your new scheme of Government you would vest that ostensibly, which is now virtually vested in the President of the Board of Control, or the Minister for India, namely, the whole power of governing India, subject, of course, to the control of his colleagues in the Cabinet?—In all questions of peace and war.

4645. In all matters you would give him the aid of the Court of Directors, who would then have the same power that they have now, under this clause, which is only the power of disposing of the patronage?—And of discussing all Indian questions, and offering their own opinion upon every subject, which must always carry weight.

4646. Which they have now?—Which they have now; I propose that there should be no alteration except in this, that the President of the Board of Control should personally meet the Directors.

4647. Will you be good enough to say what is the opinion in India, among the natives, with regard to the Government of India; do they consider that the East India Company is invested with power to govern India, or do they understand that, by the Charter Act of 1833, that power is really reserved to the Executive Government of this country?—I do not think there is a single native who has read the Charter Act through.

4648. The popular opinion is, that the East India Company is the Government of India?—I think so.

4649. They never look beyond it?—I do not think they do.

4650. Any odium which attaches to the Government of India falls upon the Company in the feelings of the natives?—It does not certainly fall upon the Crown; it must fall upon the Company, which, as the depository of all power, of course receives all the abuse of everything that goes wrong.

4651. You are aware that in the discussion about cotton, the discussion about roads, and other matters, the Company incurs the odium for any backslidings or failures which occur in the Government of India?—Yes.

4652. Yet the Company has no power to declare peace or war, and consequently can have no power over the disposal of the revenues or the condition of the finances of that country?—The Court of Directors of course have no voice in questions of peace and war; they must be left exclusively to the Minister of the Crown, who is also a Member of the Cabinet, and the Council which has been appointed for him in the Secret Committee.

4653. Is not it desirable for the interests of the natives of India, and also as an act of justice to the East India Company itself, that something should be done to make the responsibility fall upon the shoulders of those who have the real governing power of India?—I am quite unable to enter into those minute details.

4654. What is your opinion with regard to the impression that would be produced upon the native mind in India, if it were known that the East India Company were not a reality, but, as some people would call it, a sham?—It is difficult for me to say what would be the impression created. I do not think you would be able to explain it to the natives, or that they take sufficient interest in the thing to understand it; the natives at present understand that the country is governed by the Company.

4655. Is it your opinion, that if it were known that the country was governed directly from the Crown of this country, it would increase their reverence for the Government?—I think, if the name of the Crown were brought forward more prominently, it would certainly be highly advantageous.

4656. Mr. *Lowe.*] Do you propose that as a part of your scheme?—I have not as yet mentioned it.

4657. What is your opinion upon that point; do you think that the Government should be carried on in the name of the Crown or of the Company?—There would be great advantages, I think, in carrying it on in the name of the Crown, that is, in substituting universally the name of the Crown for that of the Company, even without altering the present scheme of Government.

4658. Sir *C. Wood.*] Are you aware that all despatches originate with the Court of Directors?—Yes.

4659. Does not the mere possession of the initiative give the greatest possible influence in the transaction of business?—I think it must necessarily do so.

4660. *Chairman.*]

4660. *Chairman.*] Would it be desirable to admit those servants of the Company who had retired after the full period which entitled them to their annuities or pensions to join in the nomination of the Directors?—The object of giving them votes would be to improve the Court of Directors, but if you put in one-third or one-fourth of the Directors by nomination, from among the ablest men who have been in India, the necessity for any such arrangement would be much reduced.

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4661. Sir *J. W. Hogg.*] If you gave that power of voting to retired civil servants, it would be necessary to extend it to retired military servants?—Yes, and it would be very difficult to draw any line of distinction.

APPENDIX.

LORD AUCKLAND'S Opinion regarding the establishment of a Government Organ communicated in a letter from *J. R. Colvin*, Esq., to *J. C. Marshman*, Esq.

Appendix.

THE question was brought under discussion by a communication from Calcutta for instructions relative to the appointment of an editor of the "Courier" on the part of Government, and a formal proposition from Bombay for securing some one paper in the interest of the Goverment at that Presidency. The following communication was made of Lord Auckland's views on the subject. He has adopted so much of the Bombay suggestions that he will press it on the Court to recal their very impolitic prohibition against any of their own servants being editors of newspapers. Beyond this, after thinking carefully over what had come recommended to him by so many high authorities, he does not see reason to depart from the general principle on which he has always acted,—that it is well to have an influence over as many newspapers as are disposed to deal fairly and reasonably with the Government, but not to have a direct and exclusive connexion with any of them. In India there is no Government party from which a paper on the Government side would receive a large independent support. In England, the Government or the opposition papers support the principles of their different parties, and the more consistent and respectable among them acquire, on that account, credit and influence. They maintain a friendly connexion, if on that side, with the Government, but they cannot be identified with the Government. In India, the Army cares for its interests,—the lawyers, merchants, and English settlers for theirs,—the Civil Service is too small and divided a body to form a powerful united interest. Among all these classes, there are moderate and fair-judging men, who would read with attention well-written and accurate expositions of the acts or motives of the Government, but there is no great number who would take in a paper, because the Government was generally defended by it Such a paper would have to lean for support chiefly on the Government itself, and it would come to be regarded as a mere Government organ. Then would follow all the disadvantage of the Government being rudely attacked, where it can carry on no equal contest. Government must be dull and true. Against it will be hurled every weapon of abuse and misrepresentation,—wit and satire, scandal and personality. Any paper, moreover, which appeared to possess a monopoly of intelligence through its connexion with Government would certainly have all other papers turned against it. Government would have one weak friend—not respected, because not supposed to be independent,—and all else incensed and interested forces.

When Lord Auckland was in Calcutta a certain degree of civility was maintained with all the papers, with one or two, (the Englishman and Courier) a closer connexion. Items of intelligence were distributed among them and were most gratefully received. This privilege was much valued, for news in this country is scarce, and a reputation for obtaining what there is, is much prized. By this means there was little difficulty in obtaining, somewhere or other, publication for any fact or statement which it was considered desirable to make known,—and a generally temperate tone in the newspapers was pretty well preserved. The thing must be done with caution and judgment, for there must be no compromise of independence on either side. But it is this mode of influence which Lord Auckland would prefer to any such more direct measure as that which has been suggested.

SECOND

REPORT

FROM THE

SELECT COMMITTEE

ON

INDIAN TERRITORIES;

TOGETHER WITH THE

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
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Die Jovis, 28° Julii 1853.

LORDS PRESENT:

Earl of Powis.	Lord Wharncliffe.
Earl of Harrowby.	Lord Wynford.
Earl of Ellenborough.	Lord Ashburton.
Lord Bishop of Oxford.	Lord Stanley of Alderley.
Lord Mont Eagle.	Lord Broughton.
Lord Colchester.	

THE EARL OF HARROWBY in the Chair.

Robert Torrens, Esq.

28th July 1853.

ROBERT TORRENS, Esquire, is called in, and examined as follows:

8420. *Chairman.*] WHAT situations have you filled in India?

The first appointment I held was assistant to the collector and salt agent of the 24 Pergunnahs in the immediate vicinity of Calcutta. Afterwards I held the appointment of acting collector of land revenue in the zillah of Tippera, and after that I was appointed joint magistrate of the district of Bogra. While holding the appointment of joint magistrate of Bogra, I also was appointed deputy collector of that district, and then I was removed to the appointment of joint magistrate and deputy collector of the district of Moldah. After that, I was appointed magistrate and collector of the zillah of Moorshedabad. Then I was appointed additional judge, or merely civil judge, of the zillah of Chittagong. I then was appointed civil and sessions judge of the zillah of Mymensing. From that district I was removed to the zillah of the 24 Pergunnahs as magistrate, and shortly after was appointed as civil and sessions judge. From the 24 Pergunnahs I was appointed commissioner of the 16th or Chittagong division, and subsequently commissioner of police in that division.

8421. You have been engaged in various branches of the revenue and judicial system?

Yes.

8422. What was the population which you had under your charge in Chittagong?

I cannot exactly state that I am not aware, but in the zillah of Chittagong I suppose there may be about 700,000 people. I ought to mention that the division comprises other districts besides Chittagong; the division is called the Chittagong division, but there are the zillah of Tippera and the district of Noacolley or Bhoollooah also under the jurisdiction of the commission of Chittagong. Tippera, I dare say, may comprise a population of 800,000, or perhaps a million, and I believe the population of Bhoollooah has been stated, though I cannot exactly refer to the document, at about 400,000 people.

8423. So that the whole population which you had under your charge at one moment was, to what amount?

I should think a million and a half.

8424. What were the functions which you exercised within that district?

I was commissioner of revenue and superintendent of police.

8425. What were your duties?

My duties were to hear appeals from the collector of revenue in various matters that were placed under him; also to confirm settlements of the jumma of

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estates of a certain amount, and to correspond with the Board of Revenue in all matters; to be a medium of communication between the collector and the Board of Revenue, in a manner.

8426. You have had an opportunity in these functions of seeing the working of the police system, have you not?
I have.

8427. Is it efficient, as it is now organised?
No; I do not think it is efficient.

8428. What is the defect?
I should think that the want of integrity and the want of energy among the native police themselves is the grand objection to employing them, as far as my experience goes; also the little assistance that the natives of the country will afford to the police in the detection of crime and the general disregard of truth, and the general readiness which they exhibit to commit perjury.

8429. Are there any defects in the organization which can be remedied?
I consider that there are; for instance, I think that it would be a matter of great importance to reduce the extent of the districts which are placed under the magistrates.

8430. Is the magistrate who acts in a judicial capacity also the head of the police?
He is of the district, but above him is a Superintendent of Police, which office was held by me in the division. He is merely the head of the police in the district, and I consider it a very objectionable arrangement.

8431. The same man has to hunt out the crime and the criminal, and to decide upon the crime afterwards?
He has.

8432. That is objectionable, not only in theory, but found to be so in practice?
I think highly so; in my experience it has been so.

8433. Can you suggest any means by which the interests and the natural influences in the country can be more enlisted in aid of the police; could you make any use of the resident landholders for the purpose?
I should think that would be attended with considerable risk; I question whether the Native landholders would be sufficiently disinterested to adjudicate on any cases, where their own estates were concerned at least.

8434. Either to adjudicate, or to bring before adjudication?
Your Lordship means, perhaps, to be employed as the head of the police; I think that would be still more objectionable.

8435. They cannot be trusted in any case?
I should not trust them in criminal matters with any powers, either as police or as criminal judges.

8436. Is the position of the judicial officer independent at present in the Bengal Provinces?
In practice I consider that it has been sometimes improperly interfered with by Government, and that it ought to be made more independent; that Government ought to be prevented from such interference.

8437. What is the kind of interference which has been exercised?
I have known one or two instances of letters being written to judges, which I think should not have been written, and which would very likely tend to disarrange their thoughts during trials in which Government was interested.

8438. Earl of *Ellenborough*.] Will you mention the particulars of any of those cases?
In the first instance, I refer to a letter written by the Secretary to the Bengal Government to the Judge of Chittagong, No. 13, dated the 5th of January 1837.

8439. What was the occasion on which that letter was written?
The Government of Bengal interfered with the perpetual settlement of the land revenue in the zillah of Chittagong, and it was supposed that the Judge of Chittagong,

Chittagong, as far as I can judge from the tenor of the letter, was opposed to the proceedings of the Government.

8440. In what manner had the Government interfered with the perpetual settlement there?

They had increased the assessment of perpetually settled estates, and settled for the jumma of the surplus lands of those estates with parties other than the possessors and proprietors of that land.

8441. Had the person dispossessed no remedy at law?

Undoubtedly he had a remedy at law.

8442. In this particular case to which you are referring, did the person aggrieved take advantage of the course of the law?

I am not referring to a particular case, but to the general proceedings of the Government in the district; and it was supposed that the judge was opposed to the proceedings of the Government in the district of Chittagong.

8443. Were there any instances in which the persons aggrieved sought their remedy at law?

There were.

8444. Were they numerous?

Very numerous; I believe a great number of cases.

8445. Where the property in dispute was very considerable?

No, I believe it was all trifling. Generally speaking it was trifling; there may have been some cases of value tried in the courts, but the estates in Chittagong are of an exceedingly small extent, and I believe, generally speaking, that the cases were of very small value which were tried in court.

8446. What led to the Government pursuing so very different a course of conduct there from that which they pursued generally elsewhere with respect to the perpetual settlement?

I believe that the Government stated that they had a right to do so because the settlement was founded on a measurement of the lands in Chittagong; I am aware of no other reason.

8447. *Chairman.*] These lands were supposed to be outside those which were measured, so as not to be included?

Outside of that measurement.

8448. Lord *Mont Eagle.*] As I understand, the letter to which you allude did not refer to any particular case which had come before the judge?

No.

8449. But to the general duties?

To the general duties; it was laying down the views and determination of Government for his guidance, which I quote as an instance of improper interference.

8450. Was it addressed to him in particular, or was it a circular to others?

It was a letter addressed in particular to him.

8451. Earl of *Ellenborough.*] Have you a copy of that letter?

I have quoted it in the paper now before me; I have not an authenticated copy.

8452. Have you any doubt that that is a correct copy?

I have no doubt of it, except the last paragraph; I have not quoted the last paragraph, because it was unimportant.

8453. *Chairman.*] Is it in a pamphlet which you published?

Yes.

8454. Earl of *Ellenborough.*] Will you be good enough to read it?

"Sir,—The Right honourable the Governor of Bengal having had before him a copy of a letter addressed, under date the 13th ultimo, by the Collector of Chittagong, to the Commissioner of the Division, a transcript of which, as appears from the last paragraph, has also been forwarded to you by Mr. Havey, the Collector, I am directed, with reference to the great importance of the subject as regards both the due maintenance of the authority of the Government and

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preservation of the peace of an extensive district, to address you direct, for the purpose of impressing on you the mischievous consequences which must be expected to ensue if those classes of the agricultural population of Chittagong, who appear to be opposed to the survey now in progress, and to be in a state of considerable excitement in consequence of that measure, should be deluded by designing persons into a belief that you, the highest judicial functionary, are disposed to support them in opposition to the views of the Government, and to become a partisan in their cause. With reference to your established character as a public officer, the Governor feels confident that you have not in any manner willingly afforded grounds for erroneous impressions of the nature above alluded to; and this communication is not made with the slightest intention of imputing blame to you, but merely in order to remove at once, at a time when a considerable degree of excitement appears to prevail, and on a point of much importance, all room of misunderstanding, and to place you fully in possession of the views and determination of the Government. You must doubtless be well aware with what avidity, in moments of excitement, the support of the local authorities whose views are assumed to be opposed to those of the Government is caught at by the disaffected, and that therefore special caution is necessary to prevent misconception, which must embarrass the public service, and not improbably lead those who labour under it to commit overt acts of resistance to constituted authorities, seriously affecting the peace of the community and compromising themselves. As these overt acts have been committed, you will no doubt feel it to be your duty to take every suitable and proper measure to correct any false impression in regard to your sentiments that may have gone abroad. The Governor regards the survey of the district now in progress as a measure of great public utility, seeing that it is no less calculated to define and secure the rights of individuals, and to correct the serious evils, of which litigation has been the most prominent, arising from the irregular intermixture and confusion of landed tenures and of property in Chittagong, than to bring to right and maintain the just dues of the revenue. The survey was commenced after long and careful inquiry and deliberation; and the public officers best acquainted with the peculiarities and wants of the district have been unanimous in declaring their opinion that it would confer a great and substantial benefit on all parties concerned, with the exception only of the fraudulent. Under these circumstances, operations having been already carried on with the best result to a considerable extent, his Lordship is of course determined to prosecute the measure to completion. In itself it must be productive of good to all honest persons; and those who may think themselves aggrieved by any ulterior proceedings, founded on the data which it furnishes, will have, of course, full opportunity to appeal, either to the Court to which the revenue authorities in such cases are amenable, or to lay their complaints before the Government, where they will have due attention. It will be your duty, as a high public officer of the Government, thus made acquainted with its views and objects, to forward them by the zealous exercise of your influence, and the employment, on all fitting occasions, of the authority which is vested in you." I remark upon that: "I may remark that this Court was presided over by the Judge to whom this letter was addressed." There is a further remark: "The last paragraph need not be quoted, as it refers to the conduct of some Native judicial functionaries. It may again be observed that the Judge addressed in the dictatorial tone of the Government Secretary was the functionary presiding in the Court to which the revenue authorities are liable; and it may be inquired whether the tenor of the letter cited was such as to encourage the self-possession of the presiding functionary, and tend to his arriving at a prompt and judicious decision in any case between the revenue authorities and the aggrieved agriculturists. Would the Secretary to Government in any of our colonies, or the Home Secretary of State, be tolerated in addressing any of the Judges in such a tone? Is it only in remote India that such a tone is to be adopted?"

8455. *Chairman.*] This happened in the year 1837?

In the year 1837, when the proceedings were first commenced, or shortly after the commencement of the Government proceedings in Chittagong.

8456. Were you the Judge addressed on this occasion?

No; Mr. Henry Moore was the Judge.

8457. Earl of *Ellenborough.*] Are you aware what steps he adopted?

He

He replied to the letter, and explained that he had no feeling against the Government at all; that was all, I believe, he did. I have not a copy of his letter?

8458. Lord *Mont Eagle.*] That pamphlet does not give the answer of the Judge?

No.

8459. *Chairman.*] Are you aware of any similar instances of interference?

Yes. In the year 1848, I consider that there was an interference, which should not have been exercised, on the part of Government, in a criminal case which I tried myself.

8460. Earl of *Ellenborough.*] What was the nature of that case?

The interference was exercised in a letter addressed to the Superintendent of Police, a copy of which he was directed to send to the magistrate who committed the accused for the offence of affray, attended with murder or homicide; and I think that that letter, addressed to the Superintendent of Police, was such as might have biassed the magistrate in some way, and was not unlikely to bias him in the decision at which he arrived, and to induce him to commit men for trial who should not have been committed.

8461. Have you a copy of that letter to the Superintendent of Police?

I have not.

8462. *Chairman.*] Was this letter addressed to him in his executive capacity, as having charge of the police, or in his judicial capacity?

Certainly, as having charge of the police of the district; but I consider that it was impossible that he could read it with one mind as a police officer, and not be biassed as magistrate to decide on the guilt of the accused.

8463. Lord *Mont Eagle.*] By what official was the letter written?

By the Secretary to the Government of Bengal.

8464. Was that the same individual who wrote the former letter?

Not the same individual.

8465. Lord *Wynford.*] Was it in stronger terms than the former letter?

It certainly was in stronger terms, for it found fault with the apathy of the police officers in the case to which I am alluding.

8466. Earl of *Ellenborough.*] What was meant by "apathy"?

Not discovering the criminals.

8467. *Chairman.*] But, as far as interfering with the apathy of a police officer, is there anything objectionable in the Government doing that?

Not in addressing the Superintendent of Police, certainly; I should not say there was: but I think it was objectionable to send a copy of the letter to the magistrate. I myself was the judge who tried the accused, and I think that it did bias the magistrate, unintentionally perhaps, in the decision at which he arrived, and occasioned him to commit innocent people.

8468. Earl of *Ellenborough.*] What was the particular censure conveyed to the Superintendent of Police?

I recollect that one objection by the Governor-general or the Governor of Bengal was, that he had omitted for some number of days to report the occurrence of the affray and the death of the Natives to the Government; that, I think, was particularly objected to by the Governor-general.

8469. Were these persons afterwards arrested?

Some of them were afterwards arrested.

8470. And then they were brought before the magistrate for this offence?

They were brought before the magistrate, and committed by him for trial before me. I was specially sent to try this case. I might mention, as an instance to exemplify the bias of the magistrate, that he did not take any evidence before the accused, who were referred to in the Secretary's letter; he merely, on one occasion, caused the evidence to be read over to them, took their plea of guilty or not guilty, and then committed them for trial. I think that that almost bears me out in the opinion that he was biassed by the letter to which I refer.

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8471. *Chairman.*] The Superintendent of Police was instructed by the Government to send a copy of a letter, charging himself with negligence in a particular case, to the magistrate?
Yes.

8472. The magistrate in this case was to act, not judicially, but to act as the head of the police?
He was, first of all, to act as the head of the police; to apprehend the criminals, and to ascertain their guilt afterwards, and commit them, if he thought proper, for trial before the Sessions Judge.

8473. But as magistrate he was responsible in some degree for the conduct of the police, was he not?
Quite so.

8474. Is it not almost inevitable, from the confusion of the two duties together, that the interference which might be exercised by the Government in one capacity fairly enough, would be improper in the other case?
It would be so, I think.

8475. Lord *Mont Eagle.*] As I understand, the head of the police was to send a copy of the letter to the magistrate, he being the same individual; namely, to send a copy of the letter to himself?
No; the Superintendent of Police is over all the magistrates as regards the police; the magistrate is the head of the police of the particular district, and he sent a copy of it to him. In course of trial, the copy also came before me, the judge who was to try the case.

8476. Lord *Wynford.*] Do I rightly understand you to say, that the mere circumstance of the charges being read over to those men, that is to say, the depositions, caused in the mind of the magistrate a feeling of bias against the prisoners?
I think, if he had not been biassed against the prisoners, he would have taken the evidence in the presence of the accused. The witnesses who gave this evidence were not present; they could not put a single question to them. The witnesses who had given the evidence were not present, and the accused were never confronted with them; they had no opportunity of cross-examining them, to ascertain whether they told truth or falsehood. I afterwards ascertained that these witnesses were perjured men; at least, as far as I could ascertain at the trial.

8477. Was this the first opportunity of examination?
The first opportunity; in the first instance, in the magistrate's court.

8478. And then they were examined behind the accused men?
They were.

8479. Is that the general course of administering justice in India; namely, taking evidence in that mode?
No; these are exceptions, I should say, to the general rule.

8480. In ordinary cases, as in this country, is the evidence taken before the offender's face, and is he fairly confronted with the witnesses?
No. I did not understand your Lordship's question. Not in petty cases; it used not to be the case: what the rule is since I left India I do not know. I have been absent for a year; but it used not to be the case, in petty cases, to take the evidence before the accused; and generally the accused parties were not summoned until the evidence was taken, and the magistrate had heard the evidence, and could decide whether it was necessary to summon the accused or not. That was in petty cases.

8481. This was in a case of homicide?
A very important case indeed.

8482. Lord *Mont Eagle.*] Was there any peculiarity in the case which made it more right for the Government to interfere?
Yes; there was the peculiarity in the case that the affray had taken place close to the Governor-General's seat at Barrackpore, and I understand that on that account it was a very unusual occurrence, and the people were killed not very far from the Government House.

8483. Earl of *Ellenborough.*] Was it an affray in which the military were engaged?

No; it was an affray for crops.

8484. Lord *Mont Eagle.*] There was no political element in it?

Not the least.

8485. Earl of *Ellenborough.*] Have you observed that any particular inconveniences arise from the union of the magisterial and police functions in the same individual?

I have; I consider, in the first place, that a magistrate cannot so dispassionately consider the evidence, if he exercises the united duties of police officer and magistrate.

8486. Do you think that when he has exerted himself for the purpose of arresting the person accused, he may perhaps feel a certain disposition to find that he has got the right man?

That is my opinion; I think my experience bears me out in that opinion, and in consequence I think that appeals are very much multiplied to the judges.

8487. In consequence of there really being a defect in the evidence?

A defect in the evidence which perhaps the magisteral police functionary does not perceive; he is unable to discover it.

8488. Is your experience of the evidence such as to give you a good deal of distrust of it; did you feel satisfied when you were convicting a man, that you were quite right that the evidence was true?

I had very great distrust of native evidence; generally I was guided more by circumstantial evidence, than by direct evidence.

8489. How were the persons appointed who acted as policemen; did you appoint them?

The magistrate appointed the subordinate officers, all subject to the control of the Superintendent of Police.

8490. That is to say, he had a negative upon the appointment?

He had.

8491. How did you find out the persons whom you considered fit to be made policemen; who suggested their names to you; did they offer themselves?

They offered themselves in general. Perhaps a man might have distinguished himself in some way; he might have shown alacrity in giving information leading to the apprehension of a criminal, or he might have been of some use in some public matter, and in so far he was selected; but, generally speaking, it is quite a lottery who are selected as the very subordinate police.

8492. Were there generally a number of persons applying at the same time for the situations?

A great number.

8493. Did they appear to be put forward by the native officers about the court?

I do not consider that they were. As far as my experience goes, I think that they appeared in too great numbers to be put forward by the native officers.

8494. Did you ever take the opinion of the native officers as to the eligibility of particular persons?

I have no recollection of having done so, but I suppose I must very often have done so.

8495. What had you to make you decide between one man and another; you could know nothing of any of them personally?

Very little, excepting in one or two instances, could I know of any of them.

8496. Did you make any inquiries as to their connexions, as to their former life?

I presume I must have done so; but I cannot say that I recollect instances of doing so. I should think it most likely that I took the most athletic-looking person, and the man who might be recommended, in case I did make any inquiries regarding them.

 8497. Were

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8497. Were any of these men recommended by indigo planters or persons engaged in trade in the neighbourhood?
No; I think not.

8498. Had you occasion at any time to dismiss any of them for improper conduct?
I have constantly been obliged to dismiss the subordinate police officers.

8499. Did you find them efficient in detecting the perpetrators of common thefts?
No, not at all; they were inefficient.

8500. Were they inefficient, if there was any riot?
Perfectly so.

8501. They ran away?
They ran away.

8502. Lord *Broughton.*] Are these deficiencies of the system exceptional, or general?
With regard to the subordinate native police, it is not exceptional, but general, I think.

8503. Earl of *Ellenborough.*] Did it ever occur to you in what manner the police could be improved so as to make it more efficient and trustworthy?
I think if European superintendence was multiplied, the police would be improved, certainly.

8504. If you put at the head of detachments of it non-commissioned officers from the army?
Tried non-commissioned officers, I dare say, would be of very great use, provided their health would stand in Bengal, which is a matter of doubt.

8505. Earl *Powis.*] Was the inefficiency from the deficiency of pay, or from other causes?
The deficiency of pay, I think, is also an objection.

8506. If the pay had been raised in the provinces of which you are speaking, would there have been a better class induced to become policemen?
I doubt whether we should have had a better class. They might have been induced to be more honest and more scrupulous in the discharge of their duties. I doubt whether you could have got different men there.

8507. Earl of *Ellenborough.*] Would it not be necessary to raise the pay very greatly, in order to take them out of the reach of temptation and bribery?
It would be requisite, certainly, to raise it very much.

8508. Lord *Broughton.*] Have you had any experience of the military police?
No, I have not.

8509. Earl of *Ellenborough.*] These policemen are armed to a certain extent, are they not; have they not swords and shields?
They have swords and shields provided by themselves; they are not given by Government.

8510. No matchlocks?
No matchlocks in Lower Bengal.

8511. Did there appear to you, while you were administering justice in this district, to be any improvement in the general condition of the people?
I did not remark it.

8512. Were there any persons of considerable property amongst them?
In the particular district of Chittagong there were very few persons of property; the tenures there were exceedingly small.

8513. Did you ever reside in a district in which there were persons of large property?
I did.

8514. In what manner did they employ their property; had they a great many servants?
Generally speaking, a great number of retainers.

8515. Did they nautche?
Some of them did; for instance, the Rajah of Tippera, who is a zemindar, and also an independent sovereign, used to give a number of nautches, I understand.

8516. But their expenditure is only occasional, not general?
Their expenditure in those respects is only occasional; but the practice of the old families, and of those who have large landed possessions, is to be exceedingly wasteful and disregardful of their money.

8517. In what manner do they employ it in ornaments; do they buy rich ornaments for their wives and children?
No; I think it is very often expended in entertainments and dissipation, and displays, perhaps.

8518. What kind of dissipation; have they a great number of women?
I believe they have.

8519. Then the Brahmins get a good deal out of them, do not they?
I dare say they do, especially on the occasion of their funeral ceremonies.

8520. And their marriages?
And their marriages.

8521. They complain of it a good deal, do they not?
They practise it. I am not aware that they complain of it.

8522. If a great native goes to the Ganges and shaves his beard off, he has to pay very heavily for it, has not he; for any ceremony?
For ceremonies he has certainly to pay.

8523. Did cultivation appear to be extending?
I consider that it was considerably extending, in all the districts of that division.

8524. Were the occupiers bringing uncultivated lands under the plough?
They were.

8525. Where they brought uncultivated lands under the plough, what did they pay for them to Government; how was it assessed?
Generally it was on what they call the russidee jumma; that is, a yearly progressive increasing sum, at a low rate the first year, and raised gradually till it got to the full amount assessed on each begah.

8526. Were there no cases in which they had cultivated and uncultivated property, and could extend their cultivation without paying any additional rent?
No, I am not aware of any cases where they could get the uncultivated lands without paying additional rent.

8527. The uncultivated were not let to them with the cultivated at a fixed sum?
Not in Chittagong, under the Government assessment latterly made there. I refer to jungle land.

8528. What course is a man to pursue if he wishes to bring land under cultivation at present uncultivated; to whom must he apply?
To the collector.

8529. What would the collector do?
He would give him a lease of it at this progressively increasing jumma.

8530. Before that, must he not either see the land himself, or some one else?
Undoubtedly.

8531. What is the extent of the collectorate in acreage, or the number of square miles?
It may be about 25 miles broad; it is a very narrow district. It may be upwards of 100 miles long.

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8532. Do you think it is possible for the collector in each case to see the land, and to assess its value?
I do not.

8533. What would he do in that case, where he could not see the land?
He was guided by his subordinates.

8534. Were those subordinates trustworthy?
Not in every instance, I should say; some of them might have been, and some might not; I should not say it would be the rule that they were untrustworthy.

8535. Had a man who was desirous of extending the cultivation the option of refusing the land at the rent asked for it?
If he applied for it he would be expected to take it.

8536. No matter what the rent was?
No; if he agreed to the rent proposed by the collector.

8537. Lord *Mont Eagle.*] Would he receive information as to the rent before he began the tillage of it?
Before he began the tillage of it he would enter into his agreement as a matter of course.

8538. Earl of *Ellenborough.*] After how many years' service have you known gentlemen appointed to the office of collector, which requires this knowledge?
I can speak of my own case, in the first instance. I was appointed acting collector after I had been in the public service about 10 or 11 months; having the full powers of a collector, of course.

8539. We have been told that the collector has, to a certain extent, judicial authority; that is, that he deals judicially with the tenures of land and the rights of property. How had you been able to acquire any knowledge upon that subject in the 11 months which had elapsed since you came into the country?
I had been assistant to a collector during those 11 months.

8540. Do you consider that you had taken any information or knowledge so rapidly as to be able to perform satisfactorily the duties of the office at the end of the 11 months?
No, I do not consider it now.

8541. Do you think that anybody can in that space of time acquire a knowledge of the tenures of India?
Certainly not.

8542. May not the collector, therefore, in many cases unintentionally do grievous wrong to the persons who are placed under him?
He may.

8543. Lord *Mont Eagle.*] Is it not very unusual for a man to be appointed after so short a service?
I should think at present it would be.

8544. Do you know what the term of service now is before a party becomes acting collector?
I cannot give any exact answer to the question. In case of a collector going away sick, or dying, or anything of that sort, an assistant would be called upon on the emergency to perform the duties of acting collector.

8545. Earl *Powis.*] Where was it that you had acted at the time you mention?
At Tippera.

8546. Earl of *Ellenborough.*] How did you set about acquiring the knowledge requisite to perform the duties of collector; how could you acquire from any books a knowledge of the tenures of the district in which you were a servant?
If I had an opportunity of reading any books upon the subject, I might have acquired it.

8547. What books are there upon the subject?
There are the different regulations of Government, and also a book called "Murshman's Revenue Guide." There is another book, by Mr. Boutros, published

lished on the subject; and there are some other works which an officer now might have an opportunity of reading. In those days such works were comparatively few and difficult to obtain.

8548. Do not the forms of tenure vary in different districts?
Very much.

8549. So that what you acquired, and what made you master of the experience of one district, would not assist you very greatly in another?
Not in a distant district, certainly.

8550. In what manner did these cases affecting the right to property come before you?
The most important cases that came before me were cases for the assessment of land, commonly called resumption cases, adding to the Government jumma of an estate.

8551. Were those cases in which the Government claimed that the person was not entitled to be rent-free?
The la-khiraj, or rent-free cases, were another description of cases. The cases to which I first alluded were generally increments, land thrown up on the river: the Meyna, for instance, which was a very large river, and where there were very important cases. The other cases were also important; besides that there were cases, called summary suits, where a collector sits judicially trying claims for rent between zemindar and ryot.

8552. Those were cases which would be decided in other countries only by a judicial tribunal?
Only by a judicial tribunal, I presume.

8553. And of course requiring all the knowledge which is requisite to enable a judge to decide?
It would require a knowledge of the laws of evidence, or experience in evidence, certainly; but it would not require such a complete knowledge as a judge is required to possess sitting judicially.

8554. In the la-khiraj cases, there might be required a very long distant proof of the rights of possession of the party, going back many years, might there not?
I should say not; that the principal point to be looked to would be the validity of the document under which the lands were held free from the payment of rent.

8555. But must not that document be of a certain date to give it validity?
Undoubtedly it would be required to be of a certain date.

8556. In all cases, did they produce some document to prove their rights?
In all cases where they appeared, so far as my experience goes, a document was produced to prove their rights.

8557. Was there reason, in any cases, to doubt the genuineness of the document produced?
Considerable reason.

8558. Were they accomplished forgers?
Very much so. I consider that some of the natives are very accomplished forgers.

8559. The signature was always affixed by a seal to these documents, was it not, or was it in hand-writing?
With respect to the sunuds, if the document was granted by a European functionary, it was in hand-writing and with a seal; if given by any of the native powers previously to our tenure of the country, it was generally by a seal.

8560. But the rent-free tenures originated before we were in possession of the country, did they not?
They did, generally speaking, but I imagine that there were a considerable number of documents that were registered. They were required to register to ensure their validity afterwards; and these documents being registered, were signed by the European revenue authority, or some European functionary.

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8561. That signature only attested the authenticity of the previous document?
It was corroborative of the document having been registered.

8562. For what period did you go back, in order to establish the right to la-khiraj; was it to 1765?
To 1765; I understand, it has been so ruled now.

8563. Have there been any cases, to your knowledge, where the Government have resumed lands which appeared to have been in possession previously to the year 1765?
I am unable to quote such a case at present.

8564. Were there many cases in which persons, who had been evidently for many years and for many generations in possession of rent-free tenures, were unable to produce the documents, and were therefore dispossessed?
I could not specify cases of inability, but I could particularly refer to cases where the Government took a portion of the land from the la-khirajdar without taking the whole, and without calling upon the la-khirajdar to produce any document.

8565. Was there no length of proved occupancy rent-free that was held to be as valid as a document to prove that there must have been some document upon which that possession was founded, so as to establish the presumption that there must have been originally a good title?
No, I consider that a document must have been produced in every case.

8566. Then the longer the possession, the less the chance of being able to produce the document?
There was a liability to its being lost or destroyed. If the original document was lost, and it was proved that the document had once been registered as valid, that would be sufficient to exonerate the la-khirajdar from the payment of rent.

8567. If a proprietor could prove that from the time of Akhbar he and his ancestors had held certain land rent-free, was not it considered as affording sufficient presumption that there must have been a document to give him that right?
I do not consider that it would have saved him.

8568. Lord *Colchester.*] Were they in the habit of registering them in the courts of the native prince?
It was one of our laws that they were to register all their sunuds or documents in the office of the collector.

8569. It was a British regulation?
It was an enactment of the British Government.

8570. There was no necessity for it, extraneously?
Not under the native princes, that I am aware of.

8571. Lord *Mont Eagle.*] Are the records of the collector very carefully kept upon a change of appointment?
I do not think that they are carefully kept generally.

8572. What is the value of registering if the records are not carefully kept?
I have seen cases where they have been very badly kept.

8573. Then the registry of the document is of very little value?
It is very difficult to discover in some instances whether it has been registered or not, in consequence of the document being nearly illegible or destroyed.

8574. Earl of *Ellenborough.*] Did you ever hear complaints on the subject of the administration of the law in the resumption of rent-free tenures?
I have heard general complaints of it.

8575. Did it appear to you to shake very much the confidence of the native proprietors in the administration of justice by us, and the security of their property?
My own opinion is, that it must have shaken their confidence in the security of their property as regarded the la-khiraj tenures.

8576. Do you recollect any case in which a witness was imprisoned in order to secure him as a witness upon a particular occasion?
I cannot exactly refer to any case at present.

8577. Did any such happen within your own knowledge at any time; had you ever reason to imprison a man in order to keep him as a witness?
Without being able to particularize any case, I consider that I must at some time or another—perhaps not on one occasion, but on several occasions—have put witnesses in confinement; not exactly in prison.

8578. Under detention?
Under detention.

8579. For any considerable period?
I should say not.

8580. Lord *Wynford.*] Was that to prevent them from being tampered with, or from being ill-treated?
Either to prevent their being tampered with, or to prevent their going away without giving their evidence.

8581. Earl of *Ellenborough.*] May not those witnesses have come from a considerable distance?
They may have done so. From the great extent of the districts, in many cases witnesses must come from a great distance.

8582. At what distance from each other were the points between which you administered justice in your court; was it the end of a march?
I should think one or two days' journey would be the distance between each two courts.

8583. Two marches; about 18 or 20 miles?
The districts in Bengal are not so close as that in general.

8584. Do they march more than 10 miles a day?
Your Lordship is alluding to the case of a magistrate moving about his district.

8585. Yes?
Ten or twelve miles might be about the distance.

8586. Then you think you generally moved about two days' journey from court to court?
I did not understand the question which your Lordship put; I understood it to relate to the distance of each permanent magistrate's court from the other.

8587. The magistrates travelling about——
About a march each day is the distance which the magistrates travel. I had very little travelling about myself as a magistrate; I was generally stationary.

8588. When you were stationary, what was the extent of the district from which the witnesses had to come to your court?
Particularizing a district I held, the office of magistrate of the 24 Pergunnahs from Saugor to Calcutta, I should think a distance considerably upwards of 100 miles.

8589. Do you mean to say that yours was the only criminal court in that district to which all persons were to resort for justice, and that you remained fixed in the same place?
Mine was the only criminal court between Saugor and the suburbs of Calcutta.

8590. How far were you fixed from Calcutta itself?
At Allipore, about a mile from Calcutta.

8591. Then the furthest part of your district was 100 miles from your residence?
At least that, I should think.

8592. The witnesses from the extreme point would have to come 100 miles?
They would.

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8593. Lord *Mont Eagle.*] And that for the most trifling cases?
For the most trifling cases, even of petty assault.

8594. Earl of *Ellenborough.*] Was it never suggested to you by the Government that it would be better for you to live somewhere nearer the centre of the district?
No, it was not; and with regard to that particular magistracy, it would have been impossible to have moved the magistrate elsewhere, for he was also superintendent of the gaol at Allipore, unless there had been a separate superintendent appointed. That was a large convict establishment.

8595. What was the extent of your judicial duties as a judge; were you occupied for a considerable period of every week?
Every day most busily occupied.

8596. Lord *Wharncliffe.*] Did you ever visit the distant part of your district?
Not in the zillah of the 24 Pergunnahs. I only held the appointment for a year.

8597. You never went beyond the place where you held your court?
No; it was impossible I could do so.

8598. Had you many cases brought from these remote parts of the district?
I should say, speaking from my recollection of the district, the cases of importance were few from the remote parts of the district; it is a part of the country very thinly inhabited, among the Sunderbunds; but cases did occur, certainly.

8599. Earl of *Ellenborough.*] Was there a good deal of water communication in your district?
A great deal of water communication.

8600. It is upon that water communication that a good many of the dacoities take place, is it not?
Undoubtedly there are very grievous dacoities.

8601. What means had you of repressing them; was there any good strong river police?
There were a few guard boats.

8602. Were they manned by these men who had swords and shields?
They were manned by the same class of people as the common burkandauzes.

8603. Was no attempt ever made to get any seamen or maritime persons into that boat police?
I am aware of none.

8604. Had they any fights with any of the dacoities?
During the year that I was magistrate I have no recollection of such an occurrence taking place.

8605. But were there dacoities in that time?
I am not aware of river dacoities; there were several land dacoities.

8606. Lord *Wharncliffe.*] Is the superintendence of the gaol at Allipore always connected with the magistracy of that district?
It is.

8607. Is it subject to general changes?
No; the changes are perhaps fewer in that appointment than generally speaking. I had held the appointment of the judge of a district before, and came down to the magistracy; and when the judge vacated the appointment of judge of the same district, I was removed from the magistracy to the judgeship in that short space of time.

8608. *Earl Powis.*] What class of person was the actual governor or resident at the head of the gaol?
He was a European.

8609. Not one of the Company's servants?
He was an uncovenanted European.

8610. What sort of position did he hold, and what allowance had he?
A very subordinate position, and small allowances. The person who last held the appointment (I forget whether it was during my time or not) had been a serjeant in the Company's artillery; and a very good gaoler he made.

8611. Earl of *Ellenborough.*] How many prisoners are there ordinarily in Allipore Gaol?
I think the last time I saw a return there might be about 1,100. That is considerably reduced, for the courts now very seldom sentence prisoners to imprisonment in the gaol; they are generally transported.

8612. Earl *Powis.*] What was the largest number while you were magistrate there?
I should think between 1,400 and 1,500, as far as my recollection goes.

8613. Earl of *Ellenborough.*] If a gentleman happens to be sent to prison, he goes to Allipore, does not he?
No.

8614. Would it not be possible and convenient to unite the superintendence of the Allipore Gaol with some magisterial office in Calcutta, rather than with the magistracy of the 24 Pergunnahs; would it not be convenient that it should be united with the office of the Chief Magistrate?
I should say it would be inconvenient, because the Chief Magistrate of Calcutta ought to reside within Calcutta, and the Superintendent of the Allipore Gaol, in my opinion, ought to reside quite close to the gaol. Sudden outbreaks occur there, when the Superintendent's presence is urgently required; for instance, very lately there was one.

8615. The distance is not above a mile, is it, from the residence of the Chief Magistrate of Calcutta to the Allipore Gaol?
It depends upon where the Chief Magistrate resides.

8616. It could not well be more than a mile?
It could not be more than a mile, I dare say.

8617. The Calcutta militia is close by, is it not?
It is.

8618. Can there be anything much more inconvenient than giving the superintendence of the gaol to the magistrate of the 24 Pergunnahs, who has so very extensive a district?
Formerly the inconvenience was great, I think; but at present, when there are such a number of deputy magistrates, I do not think that the inconvenience is so great.

8619. How many deputy magistrates are there in the 24 Pergunnahs now?
I am not aware.

8620. Some of those deputy magistrates are uncovenanted, are they not?
All the deputy magistrates are uncovenanted.

8621. Is there a separate salary for the superintendence of the gaol, and for the magistrate's office?
No, they were consolidated.

8622. Had they always been consolidated?
As far as my recollection goes, they had been; the salary was 28,000 rupees a year.

8623. Are there any other points upon which you would wish to give evidence?
I would particularly wish to make one or two remarks regarding the extreme youth of the magistrates who have been at different times, or may be, employed in the districts; and I could do it more conveniently, perhaps, to your Lordships, if I were to read an extract from a letter which I submitted to Government on the subject. It is not only the union of the office of Criminal Judge and of Executive Police Officer in the same person that operates banefully in our judicial system; the extreme youth, too often, of the magistrates, is another and just cause of complaint against the constitution of our criminal tribunals in the Lower Provinces of the Bengal Presidency, and, it seems to me, is cause of

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objection in the Upper Provinces too. It has been stated that a magistrate can sentence one whom he may consider an offender to imprisonment for three years, with labour on the roads, and in irons. These are powers more extensive than are exercised by any single magistrate in other parts of the dominions subject to Great Britain: these powers are, I think, in fact, now unsuited to and uncalled for in the Lower Provinces. The youth and inexperience of the magistrates who exercise such powers has, I am aware, formed the subject of comment and objection in a letter written by one of the Zillah Judges to the Register of the Sudder Court. That was the letter I alluded to as having written myself. I, in the letter referred to, made the following statement regarding the period at about which several magistrates, or officers exercising the powers of magistrates, had that authority entrusted to them after they had been declared qualified for the public service: "One was a magistrate, or exercised the powers of a magis- "trate, three months after being declared qualified for the public service; three "were magistrates, or exercised the powers of magistrates, seven months after "being declared qualified for the public service; one was a magistrate, or "exercised the powers of a magistrate, seven months and a half after being "declared qualified for the public service; one was a magistrate, or exercised "the powers of a magistrate, eight months after being declared qualified for the "public service; one was a magistrate of a district, or exercised the powers of a "magistrate in a district, eight months and a half after being declared qualified "for the public service; one was a magistrate of a district, or exercised the "powers of a magistrate in a district, nine months after being declared qualified "for the public service; two were magistrates of districts, or exercised the "powers of magistrates in districts, 11 months after being declared qualified for "the public service; one was a magistrate of a district, or exercised the powers "of a magistrate in a district, 11 months and a half after being declared qualified "for the public service; one was a magistrate of a district, or exercised the "powers of magistrate in a district, one year after being declared qualified for "the public service; two were magistrates of districts, or exercised the powers "of magistrates in districts, one year and two months after being declared qua- "lified for the public service; one was a magistrate of a district, or exercised "the power of one, one year and four months after being declared qualified for "the public service; two were magistrates of districts, or exercised the powers "of magistrates in districts, one year and six months after being declared qua- "lified for the public service."

8624. You have mentioned 17 magistrates, all of whom exercised the power of magistrates within 18 months after they were so declared qualified?
Yes, and one even at three months.

8625. Lord *Mont Eagle.*] Out of what length of time have you selected those examples?
It is during a period of several years.

8626. Over how many years does it extend?
The first case is dated in 1837, and I go on to 1843, I think.

8627. Earl of *Ellenborough.*] That is all in the course of six years?
Yes.

8628. There is no person in India to assist the magistrate with a trustworthy opinion as to what he should do, is there?
No person officially appointed so to do; he may consult a friend, if he has one.

8629. He is in fact alone?
He is.

8630. Unless he consulted a Native, who would give him a bad advice?
He might, perhaps, consult the Collector, who is at the station; or even the Judge, if it would not be incompatible with the Judge's hearing an appeal from his decision afterwards.

8631. Would it not be rather inconvenient that the Judge and the Collector should be interfered with in the middle of the transaction of their duties by an application from the magistrate to know what he was to do?

In

In the midst of the transaction of their duties it would; but I was not alluding to their being so employed.

8632. In the administration of his duties, the magistrate has no one to assist him from the first?

He has not.

8633. What could that gentleman do who had only been three months dismissed from college; how could he perform the duties of magistrate?

I do not consider that he was qualified to perform them. May I add, that I believe, that in the Upper Provinces, at least, that system is still continued of appointing very young men with the powers of magistrates; it may not be carried to such an extreme extent in the Lower Provinces at present.

8634. Is it not, in point of fact, the necessary consequence of the system of appointment at present; are there any means by which it could be avoided, unless the number of persons in the service were very greatly extended; in that manner at some distant period it might be avoided, but could it be so under the present circumstances of the service?

In that way it might be, by appointing a greater number of persons in the service.

8635. But at present, unless you took the young gentlemen, you would have no one to take?

At present you would have no one in India.

8636. Is there any other point to which you wish to refer?

I believe I have alluded to the junction of the police and the magisterial functions.

8637. Lord *Wharncliffe.*] Was that letter, from which you have quoted, a letter from yourself to Government?

It was to the Register of the Calcutta Sudder Court; it was published afterwards by orders of the Government.

8638. Earl of *Ellenborough.*] Can you suggest any mode of training persons for the judicial office which would enable them at once to perform its duties satisfactorily?

What occurs to me as the best remedy at present, would be to keep the judicial department quite separate from all others, and to have the European or covenanted functionaries appointed to some very subordinate judicial office, and so trained for higher employment.

8639. Lord *Broughton.*] Do you mean such subordinate judicial offices as are filled now by the Natives?

Such subordinate judicial offices, with similar powers to those which are held now by the Natives, or even inferior.

8640. A moonsiff, for example?

I would even in the first instance give them less power than a moonsiff at present has.

8641. Earl of *Ellenborough.*] Would it not be most convenient that before any gentleman is called upon to exercise judicial duties himself, he should have previously seen judicial duties exercised by others, and so have learned them?

I consider it would be very useful to him if he sat occasionally in courts with some of the experienced Judges, or even was obliged to attend in the Supreme Court in Calcutta.

8642. That he should have the practical education which is always obtained by persons destined for the legal profession in this country?

Yes; and that he should understand how to conduct himself with calmness and dignity in his own office.

8643. In this country, a young man who wishes to get forward in the profession does not satisfy himself with reading books at home, but attends the courts, and makes notes of causes, does he not?

I presume he does.

8644. But in India a young man would have no opportunity of doing that?

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He would neither have opportunity, nor would he have leisure, unless he were allowed or directed to attend as part of his duties.

8645. If intended for the judicial service, might not he be in Calcutta for 18 months or two years, and required to attend the courts, and report his observations, and show his notes upon the cases which occurred?

He might be so, certainly; or with equal advantage he might be in the Mofussil attending the court of some judge of repute.

8646. Lord *Wynford.*] Is there not this difficulty, that if you put these young gentlemen into these smaller offices, you displace the Natives, whom you wish to encourage, and if you do not, you give them no training whatever?

The European functionaries are so comparatively few, that I question whether it would operate prejudicially by displacing any Natives; it might displace one or two, but the offices of Moonsiff are very numerous, and I should think it would hardly displace any Native.

8647. Earl *Powis.*] At what rate would you pay these Europeans, filling these offices, such as moonsiffs?

About the same as they are now paid as assistants to magistrates and collectors, which is about 400 rupees a month in the lower grade. At present, I believe, no covenanted servant holds a smaller salary than 400 rupees a month.

8648. Earl of *Ellenborough.*] He has 300*l.* a year if he is unemployed, has not he?

I fancy something about that.

8649. Have the gentlemen appointed to the situation of Sudder Judge been, as far as you are aware, persons who had been for a considerable period employed in the judicial service, and competent therefore to act as judges of appeal?

In my experience, gentlemen are appointed to the Sudder who have not had much, or sometimes any, judicial training. I could refer to the constitution of the Sudder Court, as it existed at the time when Mr. Frederick Millett was examined before your Lordships' Committee. I observe that he remarked on the great evil of the want of training of Zillah Judges, and he also stated in his evidence that the Sudder Judges generally were officers of the greatest judicial experience; but my experience leads me to form a different opinion. At that time there were three Judges in the Sudder Court, who were appointed without, I believe, ever having sat as Judges in any subordinate court.

8650. To what period are you referring?

May 1852.

8651. Had they been in the Revenue service, and not in the Judicial service?

One had been a very distinguished Revenue officer; another had sat as the magistrate of a zillah for many years; and the other, Mr. John Colvin, who is now a Judge of the Court, I am not aware had ever been in the Revenue or Criminal Judicial department at all.

8652. Is that the Mr. Colvin who was private secretary to Lord Auckland?

Yes.

8653. Was not he afterwards commissioner somewhere?

He was commissioner at Moulmein.

8654. Was not he at Nepaul?

For a few weeks I believe he was.

8655. But he had no experience in the internal administration of the country?

In the internal judicial administration of Bengal he had no experience.

8656. Lord *Broughton.*] It has been suggested to the Committee, that occasionally it would be advantageous if vakeels of experience and character were raised to the Sudder Bench; is that your opinion?

Not to be raised directly to the Sudder Bench. I think they might go through the lower departments of the Judicial service, and arrive at that position.

8657. It

8657. It has been stated that a man in good practice as a vakeel could not afford to accept one of the lower judicial places which are now given to Native officers, and that, therefore, unless he should be raised to the Bench, it would not be worth his while to give up his practice?

He would have to make that sacrifice, I should think. With regard to the three gentlemen whom I have mentioned, one of them did sit as a Zillah Judge for about one month, and that was all the experience that he had when he was appointed as a Judge of the Sudder.

8658. Earl of *Ellenborough.*] Is it not only very recently that gentlemen have been appointed to the Sudder who have had no previous experience; is it not within the last three or four years?

It has become the practice more recently, I think; indeed it appears to be almost the rule now.

8659. Mr. Millett had been in the Judicial Department, had he not?

He had been a Zillah Judge.

The Witness is directed to withdraw.

GEORGE GORDON MACPHERSON, Esquire, is called in, and examined as follows:

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8660. Earl of *Ellenborough.*] WHAT was the extent of your residence in India?

I went to India in the Bengal Medical Service, and I remained there consecutively for 21 years, during which time I was attached to every branch of the Military Service; but the latter and by far the greater part of my service was in the Civil Department, at the stations of Beauleah and Moorshedabad. I retired from the service, and subsequently became a member of the firm of Carr, Tagore & Co., of Calcutta, of which firm the late Dwarkauth Tagore, who was in this country, was the head.

8661. In what year did you leave?

I left in March 1847.

8662. Had you been 21 years in the country; or was it 21 years before you left the Medical Service?

I was 21 years in the country before I left the Medical Service, and two years afterwards as a commercial man in Calcutta.

8663. Have you still mercantile connexion with India?

I have not; I have had scarcely any since 1849.

8664. In the course of your experience in different parts of Bengal, had you any opportunity of observing the efficiency or the inefficiency of the police?

I had various and many opportunities during the time I was both at Beauleah and Moorshedabad. At that time the police was, I think, worse even than, from all accounts, it is now; at least it was when I left Calcutta. There was then very great difficulty in laying hold of dacoits; in fact they very seldom were laid hold of; frequently the wrong persons were apprehended and kept for considerable periods in durance under examination, and after all acquitted. I have known, when at Beauleah, people brought from upwards of 100 miles, and kept for weeks at the zillah station, and then dismissed, there being no proof against them.

8665. What was the extent of the Moorshedabad district?

It is a large district; I cannot say the exact extent; it extends as far as the mouth of the Bhagrittye, and towards the Jallinghy River.

8666. Does it extend to the main stream of the Ganges?

To the main stream of what is called the Pudda, at its confluence with the Bhagrittye River.

8667. Is it of any considerable breadth?

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It varies; I should think the distance from the Bhagrittye to the Ganges is about 27 miles.

8668. Is the population very considerable?

The population is very large indeed, but I do not know the exact amount; it is one of the most populous districts in Bengal.

8669. What is the population of the city of Moorshedabad?

I cannot recollect what the population is, or was, when I was there; there were various calculations made, but I have not them by me just now.

8670. Is it not very much diminished from what it was?

The town itself is very much diminished, and a great deal of it is in a dilapidated state; but whether the population is diminished or not I am not aware; there certainly is a very great diminution of opulent people in that part of the world.

8671. What was the strength of the police in the city of Moorshedabad?

I really cannot tell; there was a large number of burkandauzes, and these were increased and diminished. The magistrate had the power, I believe, to employ what they call teka burkandauzes occasionally, when necessary. The number of the police I am not aware of, but I know that they were considered very inefficient.

8672. Did you ever suffer any loss yourself from theft?

I did not. I was a proprietor of silk filatures in the district and neighbourhood of Moorshedabad, and I may have suffered some trifling losses, but not to any very great extent. I generally had a considerable number of up-country people taking care of my property, and I found them efficient; I consequently never lost anything of importance myself.

8673. Did any material losses sustained by others come to your knowledge?

I was constantly hearing of serious losses and dacoities; they were frequently occurring, but it was seldom that the depredators were found.

8674. Were the dacoities attended by loss of life?

Not often; it sometimes did occur, but not at all frequently.

8675. How is a dacoity perpetrated?

The Natives of Bengal, as your Lordships are aware, are timid, and very easily alarmed. A noise is heard in the village when it is dark, perhaps in the middle of the night. The chookedars generally decamp: they may have been, or may not have been, in collusion with the people committing those illegal acts. The inhabitants bar their doors and windows, and conceal themselves in every possible way; in fact the dacoits are allowed to do whatever they please.

8676. What do they do; do they attack the houses of wealthy Shroffs and merchants, or do they pillage the villages?

They usually confine their acts to villages, and do not attack the Shroffs, because they have almost invariably a very large force of up-country burkandauzes to take care of their property, who can really be trusted. The consequence is, that the dacoits rarely attack those persons; but the poor Native, if it is supposed or known that he has money or property, his house is attacked, and the property is carried off.

8677. Do you see any objection to the Government maintaining as its own servants some of these up-country people, giving them arms and a certain degree of discipline, and employing them as policemen for the defence the people?

No, I see no objection at all to that. On the contrary, I should conceive it to be one of the first steps necessary to render the police of Bengal efficient. It has been said that these up-country people would be cruel and oppressive amongst the Natives of Bengal; but I think they would do a great deal more good than harm.

8678. Lord *Wharncliffe*.] When you talk of up-country people, whom do you mean?

I mean the Rajpoots. They are men of high caste, and from the North-West Provinces.

8679. Earl of *Ellenborough*.] The persons to whom you allude are those who probably

probably would be hardly received into the army, but of the same description as the Sepoy?

Yes; and I imagine more of them would be received into the army.

8680. Men of inferior stature would answer for this purpose?

Yes; but the up-country burkundauzes generally employed in Bengal, I think, are stronger and finer men than the Sepoys of India.

8681. Do they get higher pay?

From the Mahojjans, and Shroffs, and large merchants they get, perhaps, not such high pay; but they get a good many perquisites, ghee, and various other things.

8682. In short, it is a better thing to be one of the private burkundauzes of a Shroff than to be a Sepoy?

No, I do not think so; but it is a thing which is much coveted by the Natives. They are anxious to get into the employment of a wealthy man, with whom they sometimes remain a long time.

8683. Then the defect of the police is such, that in the Lower Provinces a person is obliged to employ private parties for himself, and to depend upon them for his security?

I should say, almost entirely.

8684. Were many dacoities committed on the river?

When I was stationed at Rajshye they were very frequent; the guard boats that were employed were found very inefficient. In fact, it is a most difficult thing, and I am really at a loss to suggest any plan by which these river dacoities can be stopped, because when the streams are very strong (which is the case, as your Lordship is aware, during the rains, and just as the waters are subsiding), these dacoities are committed, and having fast long boats, they are perhaps 30 or 40 miles away before the magistrate or police are aware of it.

8685. On the other hand, when the river is low, the dacoites are sure of their prey, for the men cannot escape up the steep banks?

No. I am aware that in these cases very many dacoities take place which are never reported; that the people are absolutely afraid to say that they have been robbed for fear of being detained, which would most assuredly be the case, for perhaps some time before the case was fully investigated. With regard to the inefficiency of the police, I conceive that in Bengal it owes its origin to the very small amount expended for that particular object. I believe that the amount expended for the whole of Bengal, which has a population of about 40,000,000 of people, is about 100,000 *l.* Now, in the North-Western Provinces about 170,000 *l.* is expended for the same purpose.

8686. But if the policemen are so very inefficient, and run away, there would be no very great use in adding to their number, would there?

I am of opinion, and I always was of opinion whilst in India, that the Government did not make use of all the assistance that they might have commanded. I think that military men, for instance, might be much better employed in aiding in police matters, than in escorting treasure from one part of the country to the other, which, in fact, is the principal duty they have to perform, excepting when on actual service. I refer to European officers belonging to native regiments, many of whom are, I should say, peculiarly well qualified for police duties.

8687. Lord *Wynford.*] Can you state the difference between the pay that the shroffs give to the up-country men, and the amount which the Government pays to the common policemen?

I believe the common police of Bengal get on an average about four rupees a month; I believe sometimes even less than that. I may mention that the amount received in pay by a policeman of Bengal, (and I fancy the remark applies equally to the Upper Provinces) is a very small consideration with him. He would be happy to take the work for nothing, because he never goes to execute a warrant without being well paid and feed by various parties before he finds the right one.

8688. What pay does the shroff give?

The shroff, I think, never gives less than five rupees.

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8689. Does that secure a trusty servant?
It does. I mentioned, in reply to a former question, that these men, besides getting five rupees, are generally kindly treated by the shroffs, who give them ghee, rice, and various things, in addition to their pay. I cannot say exactly the value of these perquisites, but the shroffs endeavour always to make their burkendauzes content and satisfied.

8690. Earl of *Ellenborough.*] So that the five rupees may almost be considered as net pay?
It may be so considered.

8691. The expense of the maintenance would not be above two rupees, would it?
It would be more; these up-country Natives eat a great deal more, and they are not satisfied with the same food as the Bengalese.

8692. They do not like rice, do they?
They eat very little rice; they generally eat dawl and ottah, and such things.

8693. Then you would wish rather to give a military organization to the police; to place it under military officers, and to have a superior class of persons from the up-country?
These are points which I think advisable. To a certain extent I would do so; but I would strongly advise the employment of any efficient person who was willing to take service, whether a Native or a European, who might be considered eligible for any appointment which might be vacant.

8694. For superintendence?
For the superintendence of a certain portion of a district. I conceive that it is an absurdity to talk of one magistrate superintending a district 120 miles in length.

8695. Was not there an irregular battalion in the neighbourhood of Moorshedabad at no distant period?
It is a considerable time ago.

8696. Ten years ago?
It is much more than that. There was what they call a provincial battalion at Moorshedabad.

8697. Subsequently to that period, was not there an irregular battalion, of which the head quarters were in that neighbourhood?
No, none. There were provincial battalions all over Bengal at one time.

8698. They were abolished?
They were abolished. They were to a certain degree of use at times, but, upon the whole, I should say scarcely worth the expense. They employed low-caste men, and I think they were a very indifferent description of military police, and at times very oppressive.

8699. Lord *Wynford.*] Your suggestion for the improvement of the police is, the better payment of the men, and military organization?
Military organization, to a certain extent; that would only be in the first place, for I conceive that by-and-bye the Natives themselves will be able to do a great deal, if they are employed, especially since it has been determined that moonsiffs are to do some part of the magisterial work. I think that such an arrangement will assist very considerably. Formerly the moonsiffs did nothing but civil business; and now I understand that they are to have magisterial powers to a certain extent, which I think will work well.

8700. Earl of *Ellenborough.*] Have you considered the composition of the Legislative Council, and whether it would be expedient to make any additions to it, or alterations in it?
Yes; I have given that subject serious consideration, and I think the natives of India will be exceedingly dissatisfied when they ascertain that they are debarred from having anything to say in legislating for their own country.

8701. Are you speaking of the Bill now in the House of Commons?
I am.

8702. If you look at that Bill, do you not see in it the power of appointing two Natives?

I confess I cannot see it; it must be at a long distance.

8703. By that Bill the Governor-General is authorised to appoint two additional members of the Council, and may appoint any person who has been 10 years in the service of the Government. Any Natives, therefore, who have been 10 years in the service of the Government are eligible to fill those two situations in the Council?

I am very glad to hear it bears such an interpretation; in the copy of the Bill that I received, it stated civil servants.

8704. In point of fact, without being civil servants covenanted, if they have been 10 years in the service of the Government they will be equally eligible as uncovenanted servants under the Bill as it stands?

I am very glad to hear it.

8705. Without admitting the Natives to the Council itself, has it ever occurred to you that advantage would be obtained by constituting, by the authority of the Government, bodies of Natives, Hindoos, and Mahommedans respectively, to which body should be submitted any particular matter more especially connected with their respective religion, for their opinion, not for decision?

I have not given any consideration to that point; but I think it would be one which the Natives themselves would very much prize, provided there was a probability of their suggestions being followed up by the Government.

8706. Would it not be more advantageous to the Government to have the power of communicating with a constituted body of that description, rather than to be obliged to go to individuals who might be selected for their private opinions?

Most assuredly. My own idea is, that it is almost impossible for any Legislative Councillor to obtain opinions from Natives on subjects that might be before the Legislative Council, of such value that he could by any possibility legislate on them.

8707. Lord *Broughton.*] Is it not the case that between the first and the second Reading, as we call it in England, of a proposed Act of the Legislative Council, three or four months generally intervene, and that during that time it is not at all an uncommon thing that petitions are presented against the clauses of that Bill, which petitions often come from Natives?

I am aware that is the case; but I know that remonstrances against Acts have not been attended with much success.

8708. Do you think that instead of that form of remonstrance, namely, by petitioning, it would be advisable that persons entertaining objections to the clauses of a proposed Act, should have the opportunity of orally stating their objections?

I think that it would be of very great importance if they were allowed to do so.

8709. Do you not think that it would give greater satisfaction to the Natives generally if they were aware that persons entertaining objections, whether just or unjust, were heard personally before those who had finally to pass a law?

I am perfectly certain that such a course would give the greatest satisfaction to the Natives.

8710. And you do not see any practical objection to such a course being pursued; you do not see any practical objection, to individuals who object to a proposed law, stating personally and orally their objections, instead of stating them by writing?

None whatsoever.

8711. Lord *Wynford.*] It would give greater satisfaction?

Much greater satisfaction, because they are not aware from whence the law emanates now. They hear that it is from the Board of Control, from the Court of Directors, or from the Government. In fact, they do not know where to apply, or what to do. Naturally they remonstrate or send in a petition to the Government, and these petitions generally are attended with no good result.

8712. Lord *Broughton.*] Do not you think that if such a course were pursued,

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some faults which occasionally appear in the legislation of India would be either altogether obviated or very much palliated?

I am quite sure of it, and I would instance one particular Act, that is No. 21 of 1850, which has been so much objected to. If Natives had been allowed to come forward and state orally before the Legislative Council their objections to this Act, I cannot but think that the Government would have paused before they made the enactment.

8713. But more particularly in the mode in which it is to be carried out, than in the spirit of the Act itself?

Decidedly. The consequence is, that this Act has created very great agitation at the Presidencies, and I trust and believe that that agitation is as yet confined very much to the neighbourhood of the Presidencies, because there the people are more educated, and look more to what the Government are doing than they do in the interior. But if the Native army were once to become impressed with the idea that we were legislating to make converts of them and their children, I am afraid to think what the result might be.

8714. It has been stated, with reference to that Act to which you refer, by a witness before the Committee in the other House of Parliament, that the objections to it were not so great as were usually supposed, and that if that sort of examination had been given to it to which I have before alluded, there would have been very little, if any, of this agitation?

I cannot say from my own knowledge what might have been the effect; but I cannot help thinking that a law which strikes at the root of Hindoo inheritance would have occasioned a great deal of dissatisfaction to the Hindoos generally, under any circumstances.

8715. Earl of *Ellenborough.*] If a Native were to be selected for a seat in the Council otherwise than as is practically provided for by the Bill, as it now stands, how would you propose that he should be selected?

I should propose that he should be selected by the Governor-General, and that it should be publicly intimated that such a person had been selected. If any serious objections were entertained by parties who paid a considerable amount of revenue to the Government, I should suggest that those parties should state their objections to this nominee, and that the Government should nominate another, if thought necessary.

8716. Lord *Broughton.*] Do you mean the Governor-General in Council, or the Governor-General personally?

I meant the Governor-General personally. The chances are, I think, that he would require from his Council, or he might not; he might know of a person whom he thought eminently qualified for that situation, who might not be a friend of the Secretary or any of the parties about Government, who exercise a good deal of power in the distribution of appointments generally; the Governor-General might thus appoint a person who would give very great satisfaction to the country generally.

8717. Earl of *Ellenborough.*] Do you think that it would give general satisfaction to the country, speaking of the whole of Bengal for instance, if any gentleman who was merely known to the society at Calcutta were appointed as a Native Member of the Council?

I should say so, decidedly; that they would be very highly pleased if a Native were appointed to the Legislative Council. I conceive that the appointment of a Native to the Legislative Council would act beneficially in various ways; and in no way more so than this: supposing an Act is about to be made which the Natives at first might consider objectionable, I think that a Native in the Legislative Council might convince his brethren that it was not so, by stating the opinions given by the gentlemen of the Legislative Council, and thus prevent agitation, and do a very great deal of good.

8718. In order to give satisfaction, would it not be necessary that any Native appointed to the Council should be a very zealous religionist; that his religion should not be suspected in any way?

I should say so; I do not think it is necessary that he should be a particularly high-caste man; but whatever his caste may be, that he should pay particular attention to what is deemed necessary, according to the particular caste to which he

he belongs; some Hindoos are not allowed to eat anything that has ever lived; others again may eat meat.

8719. It would be satisfactory, then, to the Natives to know, that under the Bill, if it should pass into a law as it stands now, the Governor-General being authorised to nominate two persons to the Council, might nominate any Native, provided he thought that Native a proper person to nominate, and provided that Native had filled a situation under the Government for 10 years?

Yes; I conceive that that would be satisfactory to the Natives.

8720. Under the Bill as it now stands, if a Nawab of Moorshedabad, or the Rajah of Belgaum, held a situation under the Government, he would be eligible for the Council?

Yes. I am, however, scarcely aware of any Natives, excepting those who have held the offices of Sudder Ameens and Moonsiffs, and that description of people, who have been actually in the service of the Government; there may be some, but I am not myself aware of any.

8721. Lord *Broughton.*] Do not you think it possible that the complete separation, or the almost complete separation which is now contemplated, of the Executive from the Legislative power, and the creation of a body composed of persons of great authority, for the sole purpose of Legislation, may, in the eyes of the Natives, very much or somewhat diminish the respect and the authority of the Governor-General?

No, I am not of that opinion; I think that the circumstance of the Governor-General having a Council to assist him in making laws, will rather strengthen the respect of the Natives towards him, and favour any law which is enacted.

8722. But is it not the fact that Orientals generally look up to the Supreme Power as the author of all law, totally distinct and irrespective of all other authority whatever, and all other assistance?

That was the case some years ago, but I do not think it is so in India now; not to the extent that it was when I first went there, by any means.

8723. You do not think, then, that there is any danger of a diminution of the power and authority of the Governor-General in the eyes of the Natives by such a distinction between the two powers?

No, I do not think so at all. I might mention, with regard to the Act which has created so much agitation (namely, No. 21 of 1850), that the Natives considered it very irritating, and it is, in fact, inoperative. I am aware now of a Hindoo father who is willing away all his property, because his son has become a convert. If this law had not been enacted, the chances are that he would have done nothing of the sort; so that, in fact, it is punishing the very person whom the law intended to protect. I have heard of two other young Hindoos in Calcutta, sons of one of the most affluent men in Calcutta, who were educated, I believe, at the Hindoo College; they are now said to be neither Hindoos nor Christians, and they are dissolute characters. Supposing their father was to die, by the Hindoo law they could not succeed to the ancestral property, either from having become apostates to their religion or from being highly immoral characters. They would have nothing to do but to declare themselves Christians, get baptized, and become immediately entitled to that ancestral property.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, Two o'clock.

Die Martis, 2° Augusti 1853.

LORDS PRESENT:

The LORD PRESIDENT.	Lord WHARNCLIFFE.
Earl of ALBEMARLE.	Lord STANLEY of Alderley.
Lord ELPHINSTONE.	Lord MONTEAGLE of Brandon.
Lord COLCHESTER.	

THE LORD PRESIDENT in the Chair.

Evidence on the Government of Indian Territor

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COLONEL DUNCAN SIMS is called in, and examined as follows:

8724. Lord *Elphinstone.*] WILL you state to the Committee what appointment you held in the Engineer Department of Madras?

I went to India in 1810; in 1819 I was appointed Civil Engineer of one of the three divisions of Public Works into which the Madras Presidency was then divided. In 1825, I was advanced by Sir Thomas Munro to the head of the Public Works Department as Inspector-general of Civil Estimates, and continued so till 1834, when I was forced by ill-health to visit England. I returned to India in 1838, and was appointed a Stipendiary Member of the Military Board, and an *ex officio* Member of the Board of Public Works. In those two situations I had the direction of all Public Works in the Madras Presidency till 1845, when I again returned to England.

8725. You were an *ex officio* Member of the Board of Works?

Yes.

8726. That is in the Revenue Department?

It is. I was, during the last three years, Chief Engineer, a Member of the Military Board, and *ex officio* Member of the Board of Works in the Revenue Department.

8727. The Board of Works is combined at Madras with the Board of Revenue, and is totally distinct from the Military Department?

It is.

8728. What was the description of works superintended by the Department of Public Works?

The Department of Public Works comprises all the works of irrigation; viz., the tanks or reservoirs, the watercourses and wells and anicuts, all of which are used for the purposes of irrigation; and also the civil and judicial buildings, and the roads. The fortifications and military buildings are under the Military Department.

8729. The tanks are of immense importance in the Madras Presidency, are they not?

They are. I may mention that a tank is not, as might be supposed from its name, an excavation; but an embankment carried across a stream or valley for the purpose of intercepting and retaining the drainage of the country, for the purpose of irrigation during the dry months. In some cases they are of great extent, some of them being nine miles in length, and their banks from 15 to 45 feet in height, and irrigating land of the annual value of from 1,000 *l.* to 10,000 *l.* a year. Some of the watercourses again are as long as 30 and 35 miles, and some of them also irrigate lands, yielding a revenue to the Government to the extent of 10,000 *l.* a year.

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8730. Do you know anything respecting the former condition of those works in the Madras Presidency?

When the country first came into the possession of the English, the works of irrigation generally were in a very bad condition, and many of them in a state of ruin. India had been distracted by constant wars, and the Madras Presidency particularly had been the scene of a long-protracted struggle between the different claimants to the Nabobship of the Carnatic, the country had been laid waste, the tanks neglected and destroyed, and numbers of the people carried into captivity by Hyder Ali and Tippoo Saib, his son.

8731. Lord *Stanley* of Alderley.] Are any of those tanks of very ancient construction?

They are all of them very ancient; they were constructed by the Hindoo Governments.

8732. Is it known at what period they were constructed?

Some of them bear the names of the Kings by whom they were constructed, but the dates of their construction are remote, and not known with certainty.

8733. Were any of them constructed under the Mahomedan Government?

Some few of them may have been, but they were chiefly constructed by the Hindoo Governments.

8734. Lord *Elphinstone.*] Can you state what the annual revenue derived from the irrigated lands in the Madras Presidency is?

The annual return is valued at about 3,000,000 *l.* or 3,250,000 *l.*, of which, about 1,300,000 *l.*, or a million and a quarter, is the portion of the Government, the rest being the share of the cultivators.

8735. Can you state to the Committee what degree of attention has been of late years paid to those works of irrigation?

A very great degree of attention has been paid to them, especially since the time of Sir Thomas Munro. In his time attention first began to be paid to the works of irrigation, and it has gone on increasing ever since. Since Sir Thomas Munro's time, considerable sums have been expended annually, the works have been repaired and extended, and many new ones constructed, with wonderful beneficial results.

8736. What is the present annual expenditure upon works of irrigation?

For the last 15 or 20 years the average expenditure has been 70,000 *l.*; but the average expenditure during the last five years has been 100,000 *l.*, including the large works on the Godavery.

8737. Do you consider that that is a sufficient expenditure?

I do not by any means.

8738. Can you inform the Committee what have been the results of this increased attention to works of irrigation?

I may particularly mention the district of Tanjore, where more attention has been paid to the works of irrigation than in any other part of the Madras Presidency. For the last 20 years, up to 1851, about 90,000 *l.* have been spent on works of irrigation; and comparing the annual collections during that period with the average revenue of the preceding ten years, there has been an increase in the collections of about 270,000 *l.*, being three times as much as the money laid out in the repair and improvement of the works of irrigation. But Tanjore is a favoured district. It is far better irrigated than any other, with a rich soil, and has had a succession of able Collectors and Engineers, and is much indebted to its present able and zealous engineer, Major Lawford, who has completed many fine works and bridges.

8739. One of the principal works was the upper anicut on the Coleroon?

Yes, it cost for its construction, and during the following 14 years, for keeping it in repair, and improving the works connected with it, about 22,000 *l.* The increase of revenue has been annually equal to the amount so spent.

8740. Lord *Colchester.*] Was that an entirely new work?

It was.

8741. Lord

8741. Lord *Elphinstone.*] The Committee cannot judge of the extent of those works by the sum which they cost, can they?

No; labour in India is extremely cheap; I suppose not more than one-fifth of what it is England.

8742. Lord *Monteagle* of Brandon:] When you state that labour in India is much cheaper than it is in England, do you measure it by the money wages paid to the labourer, or by the respective cost of given works?

The quantity of labour actually performed.

8743. A given work per cubic yard may be performed cheaper in India than in England, in the proportion you have stated?

At about one-fifth of the expense, or certainly one-fourth.

8744. Lord *Stanley* of Alderley.] Should you say, generally, that the cost of constructing works in India is about one-fifth what they would cost in this country?

Yes.

8745. Would that include works of masonry as well as other works?

Yes; we pay for a good mason from 6 *d.* to 9 *d.* a day in the interior, and from 9 *d.* to 1 *s.* at the Presidency.

8746. Lord *Monteagle* of Brandon.] What paper have you in your hand?

A plan of the anicut I have been mentioning, with the bridge thrown over it.

8747. Lord *Stanley* of Alderley.] Will you have the goodness to state what is the nature and construction of the work, a plan of which you now produce to the Committee?

It is the weir or dam across the Coleroon River, called the Upper Coleroon Anicut; it is a dam built of masonry across the river, six feet in width, from four to seven feet in height, and 2,526 feet long; and with all the necessary works and channels connected with it, it cost 22,000 *l.*

8748. What is the object of the construction of that work?

For the purpose of turning the water of the Coleroon into the Cauvery, which waters the whole of Tanjore; it irrigates 600,000 acres, and yields a revenue of 40 lacs of rupees annually.

8749. Was the country entirely without artificial irrigation before?

No, it was irrigated in the same manner before. The Cauvery separates into two branches above Trichinopoly, termed the Coleroon and the Cauvery; temporary works had been previously erected across the Coleroon every year, for the purpose of turning a sufficient quantity of water into the Cauvery branch to be employed for irrigation in Tanjore; those works began at last to fail; the irrigation was decreasing; the cultivation, as a necessary consequence, was diminishing also, and the apprehension was excited that in a short time the people would be deprived entirely of the water requisite for irrigation; to prevent that calamity, a permanent work of masonry was commenced in 1836, by Captain, now Colonel, Cotton, and completed in 1850, by Major Lawford, most efficiently and economically.

8750. Was there much new land brought into cultivation in consequence of this improved irrigation?

The cultivated land has been increased from 540,000 acres to 670,000 acres.

8751. What increase of revenue has the Indian Government obtained in consequence of this increased cultivation?

I mentioned before that during the last 20 years there has been an increase of collections of 270,000 *l.*

8752. Lord *Monteagle* of Brandon.] What per-centage do you apprehend that would represent upon the outlay?

About 300 per cent., from which, however, is to be deducted the cost of superintendence. A statement was prepared by the Board of Revenue three years ago, giving the amount of money spent in new works during 13 years; the amount was 54,000 *l.*; the increased revenue derived from that expenditure was 37,000 *l.*, amounting to 70 per cent.; and if from that the expense of superintendence be deducted, it may be reckoned at from 40 to 50 per cent.

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8753. If the Government of India were to borrow money at 4½ or 5 per cent. those public works would repay the advance in the course of a very short period indeed?

Undoubtedly; but it is right to mention that the examples I have given are favourable ones.

8754. From your knowledge of the country, do you consider that although those are favourable examples, yet there exist within the districts in which you have been employed, and to which your attention has been directed, other opportunities of carrying out great public works from which a good return would be certain?

Most certainly, very extensive ones. With the permission of the Committee I will give one or two other examples. In the district of Tinnevelly, there has been for the last seven or eight years a very zealous and excellent engineer. The average expenditure on works of irrigation formerly was 2,600 *l.*; latterly it has amounted to 6,400 *l.*; and the revenue has been increased from 110,000 *l.* to 129,000 *l.*

8755. Who is the engineer there?

Captain Horsley. The Godavery Anicut, a large work which has lately been begun, cost, from 1847 to 1851, 126,000 *l.*; the collections during the period above the average of the preceding years, amounted to 195,000 *l.*, showing a clear gain to the Government of 70,000*l.*; in 1850-51, the collections were 50,000 *l.* above the average collections of the 11 years previous to the commencement of the construction of the anicut.

8756. Lord *Stanley* of Alderley.] Are the whole of the profits from those works derived from the increased land collections, or are there also payments made by the cultivators for the use of the water?

Entirely from the land collections; there is no payment in Madras for the use of the water; the Government supply the water; formerly there was a tax upon irrigated lands, which formed a fund for the purpose of keeping the works of irrigation in repair; that, however, has been resumed by the Government, and the Government take upon itself the expense of keeping the works in repair: I ought to mention that, in the district of Rajahmundry to which I have alluded, there has been a large sugar manufactory established, in consequence of the facilities of cultivating the sugar-cane from the increased irrigation; large sums have been spent by the proprietors of that manufactory, and large sums are spent annually in the purchase of jaghery or coarse sugar, and no doubt that has contributed as well as the irrigation towards the improvement of the revenue.

8757. Lord *Monteagle* of Brandon.] The cultivation of the sugar-cane is infinitely preferable to the production of sugar from the date, is it not?

The sugar is much finer.

8758. Was that sugar cultivation for the most part newly introduced, or was there a previously existing cultivation which was extended and improved?

It existed formerly among the Natives, but there was no European manufactory.

8759. Have the proprietors of those European manufactories introduced improved machinery, and are they on a very considerable scale?

They are on a very large scale, with all the improved machinery of the West India manufactories.

8760. You are familiar, probably, with the observations made by Lord William Bentinck, to the effect that the introduction of European establishments and machinery formed in itself a training of the most valuable kind for the Natives, as well as occasioned an increased demand for labour?

Certainly, the observation is most just.

8761. In this instance, you consider those collateral and consequential results of public works to have been developed?

Yes, very greatly.

8762. Lord *Elphinstone*.] Have you any other examples to give the Committee of the advantages derived from works of irrigation?

There are many others, but they do not occur to me just now.

8763. What

8763. What were the principal difficulties which had to be contended with in making those improvements?

One of the greatest difficulties, I may, indeed, say the greatest of all, is the want of a sufficient superintending and directing establishment; the want of engineers has been very severely felt, and been productive of much injury and delay, and also the want of subordinate agents, such as overseers and inspectors.

8764. Does that remark apply to the Board of Works, or to the superintending engineers in the provinces?

It applies to both, in fact, but chiefly to the civil engineers in the provinces and to the public works.

8765. What is the usual mode of obtaining the requisite sanction for works of irrigation?

The Madras Presidency in the Public Works Department is divided into eight divisions, to each of which there belongs a Civil Engineer with two assistants, though from the want of engineers, that establishment is never completed. The works of irrigation are immediately under the Collectors. The Civil Engineer assists the Collector's establishment in preparing the estimates; and prepares, himself, all the estimates for new works, which estimates are submitted to the Board of Public Works; they are submitted by the Board of Public Works to the Government for sanction, and are returned, when sanctioned, to the Civil Engineer, who again delivers them to the Collector, and by the Collector's establishment, aided by the Civil Engineer, the works are carried into effect.

8766. Has the Madras Government the power of sanctioning those estimates?

Not in the case of new works; they must go to the Supreme Government for its sanction.

8767. Does not the necessity for all those various references occasion great delay?

The reference to the Supreme Government is attended with a great deal of delay, and a great deal of inconvenience, and it often results, that works of the greatest importance and value are not sanctioned, in consequence of the authorities in Bengal not being acquainted with the local causes and reasons for those works; I think that control has operated most unfavourably, and is not necessary.

8768. Earl of *Albemarle.*] Can you give the Committee an example of that inconvenience?

I can mention the case of the Great Western Road, which was commenced in 1838, during the Government of Lord Elphinstone; it was undertaken and carried on with the assistance of convicts; the work went on most successfully; the health of the convicts was perfectly satisfactory, and the work was well and most cheaply done; but because a similar experiment had failed in Bengal, it was ordered to be discontinued.

8769. Lord *Monteagle* of Brandon.] Was the discipline of the convicts maintained during the progress of the work?

It was perfectly so; no injury was experienced by them; they did not suffer in health: they were employed, I think, from 1838 to 1844, and the value of the work obtained from them was computed, after paying all their expenses, at about 28,000 *l.*, when they were ordered back to their gaols.

8770. *Chairman.*] Have you prepared any statement showing the results of the convict labour on that occasion?

I have a Report from the Board of Public Works which gives the result of this experiment of employing convict labour in the construction of public roads.—[*The same is delivered in.—Vide* Appendix B.]

Appendix B.

8771. Lord *Elphinstone.*] Upon the whole the result was very favourable?

It was extremely satisfactory, and would have proved more so as experience was gained in the management of the convicts; but up to the time when it was discontinued, the experiment was perfectly satisfactory, and most favourable in all respects.

8772. Lord *Monteagle* of Brandon.] Was the giving up of that work productive of any local inconvenience from the discontinuance of the employment of the convicts

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victs as well as from the discontinuance of a work which, in itself, was likely to be useful?

It produced both of those effects.

8773. Lord *Elphinstone.*] The gaols were more crowded, and the works were stopped?

Yes; the gaols being more crowded, became less healthy.

8774. Lord *Monteagle* of Brandon.] If the convicts were transferred to a prison where they had no labour to perform, the beneficial result of employing them in useful works as compared with the expense of maintaining them without any labour was lost, and in that way a further disadvantage was caused to the Presidency?

It was a further loss to the Presidency and to the Government. I may mention another case in the southern talooks of South Arcot, which had been very much benefited by the construction of the lower Coleroon Anicut; an estimate was sent up and submitted to the Government for the construction of a road, which was considered necessary for completing the communication with the sea-port town of Porto Novo; it amounted to only 2,800 *l.*, and the work was considered extremely necessary: it was strongly recommended by the Madras Government, but was refused by the Supreme Government. Many other instances might be given, but probably those will suffice.

8775. Lord *Colchester.*] Did you always find the Madras Government ready to carry out works of improvement as far as their means enabled them to do so?

As far as their means and authority went, they were always very willing and anxious to carry them out; and I do not remember any case of a well-digested project not meeting with attention, though the power often lacked to sanction it.

8776. Lord *Elphinstone.*] In Sir Thomas Munro's time, was any difficulty of this kind experienced?

Sir Thomas Munro had great influence; his character stood very high for experience and judgment as a public servant; and what he recommended was always, or at least generally, approved. He attached great importance to works of irrigation, and was the first person who drew up a set of rules, prescribing the manner of carrying them on, when he was Collector of Bellary.

8777. Can you state to the Committee what was the effect of Sir Thomas Munro's annual tours for the purpose of visiting different districts in the Presidency of Madras?

Sir Thomas Munro usually made a visit every year for the purpose of ascertaining the state of the country, the state of the people, the equity of the assessment, and the condition of the public works: he had thereby the means of communicating personally with the officers in charge of those works, and the advice and assistance which they received from him upon those occasions proved most beneficial and encouraging.

8778. Latterly those tours have been discontinued by order of the Court of Directors, have they not?

They were disapproved of by the Court of Directors, it was understood, and have been discontinued in a great measure, which, I think, is much to be regretted.

8779. Can you give the Committee any idea of the effect of these and other improvements upon the price of provisions and upon the condition of the inhabitants of Madras?

Experience has shown that in proportion as the public works and roads have been improved, the circumstances of the people and the public revenue have also improved; cultivation has been extended, manufactures have increased, and the price of food has been cheapened. I may instance Tanjore especially, where the value of land has been raised, cultivation greatly extended, and the condition of the people ameliorated materially.

8780. You think the breadth of country under cultivation has increased?

In the districts where the improvements have taken place, such as Tanjore, Tinnevelly, Rajahmundry and Salem, the quantity has increased very considerably. In other districts, where less attention has been paid to works of irrigation, I am afraid it has diminished rather than increased.

8781. Do you think it has increased in a greater ratio than the increase of the population?

Yes, rather greater, I should think. Tanjore produces twice as much grain as it requires for the support of its inhabitants.

8782. Have any of those improvements, do you think, prevented the recurrence of the famines which used periodically to lay waste the country?

There has been no famine since 1832, and consequently their influence in that respect has not been put to the trial; but undoubtedly they will have a powerful effect in mitigating the severity of famines. The last severe famine was in 1832; there was in that year a general failure of the north-east monsoon, which was felt most severely in Guntoor and Masulipatam, but chiefly in Guntoor. Upon that occasion it was calculated that about 200,000, out of a population of 550,000. died from starvation, or from the fever which followed the famine.

8783. Lord *Colchester*.] Does the failure of the monsoon produce a failure of rain?

Yes. By the failure of the monsoon, I meant a failure of the usual rains. It is expected, and no doubt will be realized, that the Godavery and the Kistna Anicuts, which are in the immediate vicinity of Guntoor, will have a very beneficial effect, if not in preventing entirely, at all events in mitigating very considerably the miseries consequent upon such visitations, and which have twice during the last 60 years nearly depopulated that part of India.

8784. Lord *Elphinstone*.] It is of very great importance to have works in the neighbourhood of the place where the drought is felt; the grain grown in Tanjore, for example, owing to the want of communications, is hardly within reach of those Provinces?

It is obtained with very great difficulty, and at greatly increased expense, and after much delay, and in insufficient quantity.

8785. You spoke of the Western Road; can you state to the Committee what the condition of the roads was when you first went out to India?

When I first went to India, in 1810, there were literally no made roads, in the English sense of the term, in the Madras Presidency. It was not the practice of the Native Governments to construct roads; there were no roads, but beaten tracks from town to town, indicated occasionally by fine avenues of trees; there were no made roads, and not a bridge in the interior of the Presidency, with the exception of one or two across the Cauvery, built by the sovereigns of that country.

8786. There has been a great improvement in that respect, has there not?

Since that period very extensive improvements have been made: between 300 and 400 miles of good roads have been made, a number of passes opened, and a great many bridges, some of which would do credit to any country, built. The first attempt to make a continuous good road was in the case of the Western Road, during Lord Elphinstone's Government; that has been completed to the extent of 120 miles from Madras; it has been bridged and metalled throughout, with the exception of the Pallaur; and the road repaired beyond that, as far as Bangalore. Another road has been completed from Bangalore to Mangalore, by the Mansurabad Ghaut. Three very fine ghauts, between the Mysore country and the Western Coast, *viâ* the Mansurabad Ghaut, the Sumpajee Ghaut and the Perumbuddy Ghaut, have been opened.

8787. Are those all made passes?

They are all very excellent passes.

8788. When were they constructed?

The road by the Sumpajee Ghaut was commenced shortly after the Great Western Road, in 1839; the road, 70 miles in length, including a difficult ghaut, cost 400 *l.* a mile, and is an excellent and very cheap road, compared with the cost of roads in other countries, and in Ceylon.

8789. The country through which that road passes is very mountainous, is not it?

It is very difficult and mountainous; the road crosses the great range of mountains on the western coast of India.

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8790. By whom were those three passes made?
The Sumpajee Ghaut was made by Lieutenant Fast, who died two years afterwards, when superintending a similar work in the Coimbatore District; he was an officer of great skill and promise.

8791. Have those roads all been managed by the Department of Public Works?
Up to 1846, the roads were all conducted by the Department of Public Works; in 1846 an alteration was made in the management of the public roads; a Superintendent, with two assistants, was appointed, who communicated directly with the Government.

8792. Was greater efficiency obtained by that means?
No; the department was insufficient; a Superintendent and two assistants had the charge of about 1,400 miles of road; the department was quite insufficient for so extensive a line of road, and the expectations of the Government were not realised.

8793. Would not it be better to leave the roads under the superintendence of the Civil Engineers of the divisions through which they pass?
Certainly, it would.

8794. Under the general control of the Board of Works, with some controlling authority at the Presidency?
Yes, as was formerly the case, only increasing the strength of the establishments; a larger number of engineers is required, and a large increase to the establishments of overseers and superintendents.

8795. Is not that one of the great difficulties under which you labour?
It is: the greatest difficulty we have always experienced has been the want of a sufficient superintending and executive department; a great evil, which cannot be too soon remedied.

8796. *Chairman.*] Have you found the natives able to afford you assistance in that capacity?
Very much so; they only require to be educated and trained, and they will make the most useful and efficient servants as superintendents which can be obtained for India. They possess great advantages over Europeans in many respects: they speak the language of the workmen; they are accustomed to the habits of the people; they are not so expensive, and they do not suffer from the diseases of the country to the same extent that Europeans do.

8797. Lord *Elphinstone.*] I believe you are one of the Governors of the Madras High School?
Yes.

8798. I believe you prepared a set of rules for an engineer class?
I did; it was not carried out then; I understand that lately it has been resolved to add to the High School an engineering class, but I do not see that the means for conducting that class efficiently have yet been provided.

8799. It would require a professor?
It would require a professor expressly for the purpose, and teachers, and the means of communicating with the public working departments at the Presidency, in order that the pupils may obtain practical training and information, as well as theoretical knowledge.

8800. All those requirements were provided for in your plan?
They were all provided for at that time.

8801. Do you remember why that plan was not carried out at the time?
There was a difference of opinion between the Government and the Governors of the University respecting the system of education; it did not receive, in consequence, the support and encouragement which was requisite for its efficiency, and little was done comparatively while I was at Madras; still some excellent scholars were educated there. With respect to the engineering class, nothing was done. I consider an engineering class to be indispensably necessary for the efficient management of the Public Works Department.

8802. There

8802. There was a small establishment of youths who were brought up in the Survey Department?
Yes.

8803. Are you perfectly satisfied with their proficiency?
I had charge of that establishment for many years; the surveyors turned out most efficient and useful surveyors.

8804. Do you happen to know anything of a school which bears some analogy to the Survey and Engineering Department which is attached to the gun carriage manufactory under Captain Maitland?
I do.

8805. Have not the boys who are trained in that school shown great aptitude in their mathematical and mechanical pursuits?
Captain Maitland's school has always appeared to me to be, in its way, one of the most useful educational establishments which exist in Madras. The pupils are instructed in the elementary parts of mathematics, and at the same time are taught to be good mechanics, expert smiths, carpenters, wheelwrights, &c.; so that both the theoretical and the practical parts of their trades are combined, and a number of most useful and excellent men have been turned out, and chiefly at the cost of the zealous Superintendent.

8806. Most of those boys are East Indians, are they not?
Almost all of them are East Indians, with a few Europeans.

8807. Do you expect that the engineering class which you proposed to form in the High School would have been chiefly attended by the same class of youths?
By all classes; by Hindoos as well as by Indu-Britons. I think, upon the whole, the native pupils would turn out the most useful, from their being constitutionally better adapted to the climate than Indu-Britons.

8808. What has been the effect of the making of roads upon the people of the country generally?
It has had the effect of cheapening carriage very much, and thereby facilitating the transport of the manufactures and produce of the country to the sea-port towns. The carriage of goods on the Great Western Road is about half what it formerly was. In Salem, where great attention was paid to the roads, and where the natives submitted voluntarily to a light tax upon their carts, for the purpose of keeping the roads in repair, carriage hire has fallen from 14 annas to 8 annas for every 10 miles, and the load has been increased from 300 lbs. or 400 lbs. to 900 lbs., and the number of carts has been doubled in the district.

8809. I suppose, previously, the carriage was principally on the backs of bullocks?
When I went to India, it was entirely so; all the cotton from the ceded districts was brought down on bullocks, and grain was carried on bullocks.

8810. Do you think that India can ever become an exporting country of cotton, while the cotton has to be brought on the backs of bullocks to the coast?
It is one of the greatest drawbacks; the expense is very considerable; but more than that, the delay and injury which the cotton sustains during the transit are very great.

8811. Do you think that by common roads you can ever so reduce the cost of transit as to bring down the cotton to the coast at such a price that it can be exported with profit?
In many parts, I think so; in Tinnevelly, for example, and Coimbatore. The transport of cotton by common roads, where the distance is considerable, would always, however, add to its cost, and thereby prove an obstacle to its becoming a profitable export. Railways, it is to be hoped, will effect the desired object, both by bringing it down in a better state rapidly, and also at a much cheaper rate.

8812. Do you think that it would be practicable to make canals from any of the great cotton fields to the places of exportation?
Not into the interior of the country, I think; along the coast, canals may be usefully constructed.

8813. Do you think that the navigation of the rivers Godavery and Kistna,

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the Godavery in particular, can be so far improved as to make them great channels of communication with the coast?

I am not sufficiently acquainted with the state of the Godavery to be able to answer that question satisfactorily; but I think there are sufficient grounds for having it surveyed and examined; it is very possible that it may be made a very cheap and useful outlet for the cotton which is grown in the Berar Valley, and in the Nagpore and Hyderabad countries; but the river is little known.

8814. Did not Colonel Cotton go up the Godavery two or three years ago, as far as Bezoarah?

He went up a short distance only. The river is so far navigable at some periods of the year, that quantities of timber have been brought down; but it flows through an exceedingly unhealthy country: very little is known of the state of the river. There are probably serious obstructions from rocks in many parts of its course.

8815. Have you heard of any plan, on the part of Colonel Cotton, for making extensive canal communication between the northern districts and Madras?

He proposed a canal running along the coast from Ganjam to Madras, and from Madras to Porto Novo.

8816. Do you conceive that there would be any great advantage in forming that communication?

It would prove useful; but its usefulness would be considerably affected by its running along the coast, and thus having to compete with the sea-coasting vessels.

8817. Lord *Colchester.*] Was that plan looked upon favourably by the Government of Madras?

It has never, I believe, come officially before the Government in such a matured form as to call for serious consideration, or a decided opinion. It has been rather a suggestion than a well-digested plan hitherto, I think.

8818. Lord *Elphinstone.*] Formerly, in some districts, there was a large surplus from the funds belonging to the pagodas, which were then administered by British officers; that surplus was generally expended upon roads and bridges, was not it?

In several of the districts, especially in Tanjore, there are some celebrated pagodas which were richly endowed by Native Princes. The endowments were administered by the collectors of the districts; the collectors had charge of the pagodas, kept them in repair, paid the priests, &c.; and from the funds being managed economically, a considerable surplus often remained, which was usually appropriated to the repair and improvement of the roads and other communications of the country. In Tanjore, which has now very good roads in all directions, the roads were chiefly formed and kept in repair by the surplus of the pagoda fund.

8819. Has any portion of that fund been reserved for those purposes, or was the whole of it made over to the priests?

A few years ago, the connexion between the servants of the Government and the pagodas was entirely discontinued. There was then a considerable surplus remaining, I think about 120,000 *l.*; of that I understand 80,000 *l.* was reserved for the purposes of education, and the remainder was distributed among the districts for the improvement of the roads.

8820. Have those sums been expended?

There has been very little money spent on education. The money for the roads has, I believe, been spent.

8821. Has any part of that 80,000 *l.* been spent?

None that I know of, or that I ever heard of.

8822. The whole fund was given up, was not it?

The management of the endowments was entirely given up.

8823. And no portion of the annual income reserved for roads and bridges?

No; the funds are now administered by native trustees.

8824. Do

8824. Do those native trustees appropriate any portion of that fund to the maintenance of the roads which have been created out of it?

None whatever, I believe.

8825. Then those roads are probably falling into disrepair?

They are kept up by other means, that is, the cost of maintaining them falls on the Government.

8826. I believe you are the chairman of the Madras railroad?

I am.

8827. Has a beginning been made of that undertaking?

It was commenced on the 9th of June. The first sod was turned on that day by the Governor of Madras. Part of it has been marked out, and a commencement has been made before this time.

8828. I believe it is intended to carry that railroad from Madras to the western coast?

It is intended to carry it by Vellore, through the Salem district, and Coimbatore, to the western coast, near Ponany.

8829. What is the length of that line of railway?

About 380 miles, I think.

8830. The effect of making that railway will be to diminish the expense of maintaining the Great Western Road?

The Great Western Road then will not be so much used, and will not be so much valued as it is now. By connecting the two coasts by means of a railway, there will always be a fine-weather coast, accessible for vessels at all seasons of the year. During the north-east monsoon, the eastern coast is approached with danger and difficulty: it is then fine weather upon the Malabar coast, and conversely during the south-west monsoon it is fine weather on the eastern coast. The railway will, therefore, be of great value for commercial purposes. It is also intended to have one or more regiments of Europeans located upon the Neilgherry Hills, and possibly the regiments of Trichinopoly and Bangalore and Cannanore may ultimately be stationed on the hills; and if so, they may be transported at any time, if required, either to the west coast or to the east coast, according as necessity may arise, rapidly and without any difficulty. It will thus be very useful also in a political point of view.

8831. How near would that railway pass to the base of the Neilgherry Hills?

There is a branch to lead up to the fort of the hills from Coimbatore; the main line will pass within 15 or 20 miles of the hills, and there will be a branch up to the hills; the precise direction of the line is not yet determined. In a political point of view it will be of great importance; a great saving of life and of health will result from keeping the European regiments in a healthy climate, and they may be transported to any part of the coast rapidly, and without difficulty.

8832. What do you estimate will be the cost per mile of that railway?

We estimate that it will be about 6,000 *l.* per mile; but our data are not sufficient to speak very positively yet.

8833. It is to be a single line, is it not?

Yes; the estimate of the Bombay line is 10,000 *l.* a mile, I believe; we have an easier and cheaper country.

8834. *Chairman.*] You take land enough to enable you to double the line if required?

Yes; and the bridges will all be made sufficiently wide for a double line, if hereafter required.

8835. Lord *Elphinstone.*] Is there a uniform gauge for all railways in India?

Yes, a uniform gauge of five feet six; it is intermediate between the broad gauge and the narrow gauge in England.

8836. Can you give the Committee any information upon the works at the Pamben Passage?

The Pamben Passage is the passage between Ceylon and the main land. When it was examined in 1829, it was a narrow, tortuous, passage, with not more than five feet of water at high tide: except in very fine weather, vessels drawing more than 4½ feet, could not pass through it, and even such vessels were detained frequently

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quently for two or three days before they were able to pass through; it has now been deepened to 10 feet at low water, with the exception of a few parts, which are 8½ feet. The tonnage has increased from 30,000 tons, which was the amount in 1829, to 160,000 tons at the present time: vessels of a superior description now use it; and it has proved of the greatest possible benefit to the coasting trade of India.

8837. What is the saving of time in the voyage of a vessel going from Negapatam to Titucurin?

Frequently coasting vessels would not be able to go round Ceylon, in consequence of the winds; even in favourable circumstances the saving in time would not be less than five or six days.

8838. War-steamers can pass, cannot they?

Yes; the "Nemesis" and the "Phlegethon" passed through it without any difficulty before it was increased to its present depth: it will now admit steamers drawing eight or nine feet of water passing through without any difficulty.

8839. The saving in the consumption of coal, without taking into account the saving in time, must be very considerable?

It is calculated that the saving to the coasting trade alone amounts to 50,000 *l.* or 60,000 *l.* a year.

8840. Have you any means of showing the expense incurred in making that passage?

Its cost altogether amounts to 15,000 *l.*, and about 2,000 *l.* more are required to complete the work.

8841. Was there a steam-dredge used for clearing the channel?

There was, but it was not very successful; it got out of order.

8842. Is the cost of that dredge included in the 15,000 *l.*?

It is; all expenses are included.

8843. Do you think that the natives of the south of India will travel by the railway?

Yes; if they are carried sufficiently cheaply there will be no doubt of their making use of it; they are quite alive to their own interests and convenience.

8844. Do you apprehend any difficulty from the difference of caste?

No. There will be carriages for different castes, as here for different classes; and, moreover, the strictness of caste is diminishing. In the schools in Madras now we find the Hindoo, the Mahomedan, the Pariah, and all castes studying in the same class, and sitting side by side; probably education, among its other blessings, will have an exceedingly beneficial influence in relaxing the influence to caste, and railways may operate silently the same way.

8845. Have you made any calculation as to the probable fare that will be charged?

The expense of carriage at present is supposed to be 2½ *d.* a mile per ton by carts: we hope that we shall be able to reduce it to about half that sum, or to 1½ *d.* a mile: we have made no calculation at present with respect to passengers.

8846. I suppose the rate at which you will be able to carry passengers will depend very much upon the cost at which you can construct the railway?

It will be our object, of course, and for the benefit of the railway, to make the fares sufficiently low to induce the natives to make use of it; we are in hopes of being able to do that, and profitably.

8847. Do you reckon chiefly upon goods traffic or passenger traffic?

The calculations are made chiefly on goods traffic.

8848. You must have had many opportunities, in the various employments in which you have been engaged, of becoming acquainted with the character of the people; what is your opinion of them?

I entertain a very favourable opinion of the natives of India, both of their intellectual and moral qualities; I have seen boys in the High School, who entered it without knowing the English alphabet, in three or four years studying the higher branches of mathematics, and passing an examination which the English chaplains, who attended, observed would have done credit to the Universities of Oxford

Oxford and Cambridge; and in point of honesty, and even veracity, I think they are not inferior to the people of other countries; I speak of the people in the interior of the country, the agricultural classes chiefly, with whom I had much intercourse.

8849. There is a great difference between the ryots and the people living at the Presidency towns and at the European stations, is not there?

Yes. Persons are apt to judge too frequently of the natives of India by those whom they find about the precincts of the different courts of justice; there are many temptations there to mendacity, and the atmosphere is unfavourable to truthfulness; but probably the same thing will be found in other countries under the same circumstances. In all the situations in which the natives have hitherto been employed, they have proved very efficient and valuable servants, and as education advances, and they become more enlightened, and freed from the prejudices and customs of the country, and improved by the example of their European rulers, I believe they will qualify themselves gradually for higher employment and offices than they have yet filled.

8850. Lord *Wharncliffe.*] Did you leave India after the works on the Kistna and the Godavery were commenced?

I left before that; but I have been in constant communication with the officers engaged on those works, and with Colonel Cotton, who designed them.

8851. They have been obliged to enlarge the original estimates, have not they?

Considerably.

8852. Lord *Elphinstone.*] Was not there difficulty experienced in carrying on two such expensive works as the anicuts across the Godavery and the Kistna simultaneously?

They were not begun simultaneously; there would have been a difficulty in obtaining sufficient workmen.

8853. The population is hardly sufficient to supply such a great demand for labour as the execution of one of those great works occasions is it?

It is not; in that part of the country, that is in the Northern Circars, very few works of any magnitude had been previously undertaken; in the southern part of India, in Tanjore, for example, the same difficulty would not have been experienced; there they have been in the habit of carrying on very extensive works for many years; but the supply of labour, as well as of money, in India is limited.

8854. Lord *Wharncliffe.*] Have you turned your attention much to the state of the Native tanks throughout the Presidency of Madras?

I was employed on them for 20 years, and had immediate charge of them for 14 years.

8855. Should you say, from your knowledge of their present condition, that there is any large number of them which are capable of effectual repair?

A number of them are in tolerably good order at present; a large number of them are capable of being very much improved, and the cultivation increased thereby.

8856. I suppose there is a great number of them which have been so much neglected as to be no longer worth repairing?

Not a very great number, I should say; there are some which have been long neglected, and are in complete ruins; some of these might be restored. There are again others which were badly chosen in the first instance, and some have, in the course of time, been filled up with accumulations and deposits of soil brought down by the rains, and are no longer worth repair.

8857. Are they generally formed upon streams?

They are generally formed across valleys, but sometimes across streams also; the usual way is to construct an embankment across a valley to intercept the drainage of the country; some of them, as I have mentioned already, are nine miles in length, and from 15 to 45 feet in height; there are not many of them, however, which are of that size.

8858. What should you say would be about the average size of the tanks?

They are of all sizes, from 20 yards to 9 miles in length; every village in South India has its tank; some of them have two or three tanks.

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8859. Are there any local funds available for the repairing of those tanks?
Under the Hindoo Governments there was a tax upon all irrigated land, for the purpose of keeping the tanks in repair; that has been assumed by the Government, and the Government keep the tanks in repair now.

8860. Lord *Elphinstone.*] Was that assumed by the British Government or by the Mahomedan Government?
I believe it was collected irregularly, and was not always applied to its legitimate use.

8861. Lord *Wharncliffe.*] But it has been re-imposed by the British Government, has not it?
No, not in the Madras Presidency; the Government there keep the tanks in repair. The land is considered as belonging to the Government, and every person occupying that land pays a certain rent, which varies in different districts, but is usually supposed to amount to about two-fifths of the gross produce of the land, and in return maintains the irrigation.

8862. Are they generally built with masonry?
They are all of earthwork, faced very often with large loose stones, for the purpose of protecting them from injury from the waves in the tank in high winds.

8863. They are not faced outside at all?
Not at all.

8864. In most of those cases in which the tanks have been neglected the cultivation has suffered very severely from the condition of the tanks, has not it?
The cultivation has ceased altogether in the case of those tanks which have fallen into ruins; but that was anterior to the country coming into the British possession. There was a long series of wars carried on by the claimants for the Nabobship of the Carnatic, during which the country was laid waste, and the tanks neglected, and very often destroyed; and when the country came into the possession of the British, the tanks, generally speaking, were in a very neglected state, and many of them nearly useless.

8865. I suppose there is no part of the Madras Presidency where such works are not to be found?
In no part, with the exception of the western coast.

8866. Lord *Elphinstone.*] Have the zemindars taken good care of their tanks?
In some few cases very good care; but, generally speaking, they have neglected them very much.

8867. Generally speaking, the tanks are not in as good condition under zemindary management as under ryotwar management?
No; the zemindars being deprived of those objects of ambition and employment, which people in their rank of life find open to them in other countries, generally sink into a state of indolence, extravagance and self-indulgence, and too often neglect their estates and true interests.

8868. Are there any further observations which you wish to offer to the Committee?
There is one observation I would beg permission to make, which is the great importance, and indeed absolute necessity, of reorganizing the superintending and executive department of public works, and largely augmenting its strength: till that is done, it is quite hopeless to expect any large and comprehensive system of improvements to be carried out, or that the views of an enlightened and liberal Government can be fulfilled: that has been the great difficulty all along, and till it is removed the most skilfully designed improvements will be marred in their execution, as has sometimes already happened, and the public funds granted, be spent unprofitably in many cases.

8869. And an insufficient supply of engineer officers?
Yes; in the first place, a very insufficient supply of engineer officers, and also of overseers and assistants under them, without whom the officers cannot work.

8870. Lord *Wharncliffe.*] Have you seen the Report of the Commission of Madras upon the Department of Public Works?
Yes; a few of the details I have given are from that Report.

8871. Do you concur generally in the views they have taken?
I do, generally, but think them occasionally rather sanguine.

8872. Do you concur with them respecting the continuance of a Board?
Probably it is the best system for the Madras Presidency. I think there are great advantages from individual agency; the responsibility is greater; there is more expedition; there is more activity and energy, but there is the risk occasionally of the single individual not being so efficient and so well informed in all branches of the duties as could be wished; and perhaps in so large a department as that of Public Works, a Board properly constituted, and consisting of two or three officers, is preferable.

8873. Lord *Elphinstone.*] Do not you think there is advantage in combining a revenue officer with an engineer officer?
That is one of the great advantages of a Board at Madras. The works of irrigation are so intimately connected with the revenue of the country, that the opinion of an experienced revenue officer is often of the utmost value in deciding upon the value and expediency of proposed improvements.

8874. At present the engineer officer who is attached to the Board of Revenue in the Department of Public Works, has generally some other office, has he not?
He has; he is generally the Chief Engineer.

8875. If the engineer officers were attached entirely to the Revenue Board, and made members of the Board of Revenue, would not that be the preferable plan?
I am not sure but that would answer in practice as well, as the new Board proposed by the Madras Commissioners; it would be the most economical, in the first place, and the engineer officer would have the benefit of the collective wisdom and experience of the members in all questions touching the revenue, and productive capabilities of the country.

8876. Lord *Wharncliffe.*] Do you concur with the Commissioners, who are the authors of the report I allude to, that much more might have been done within the Madras Presidency if the Government of the Presidency had applied itself properly to the work?
The Government have been very much restricted by the want of means. The Indian Government has been engaged in very expensive wars; there was a want of money very frequently; at the same time I think more might, perhaps, have been done than has been done; but a great deal has been done, much more than is generally supposed, and frequently there were not officers for the superintendence.

8877. Lord *Elphinstone.*] You said before that public works were a good deal delayed by the reference to the Supreme Government?
Yes; that has interfered very much with the intentions of the Government; it has deadened the zeal of the subordinate officers also; frequently plans which they had taken a great deal of trouble to prepare and mature were, on being submitted to the Supreme Government, disapproved of by parties who were unacquainted with the local circumstances; that has had a discouraging effect, and prevented them from carrying on their observations.

8878. Lord *Wharncliffe.*] Should you say that there were many works in the Madras Presidency which would justify the Government in raising money for the purpose of executing them?
Certainly.

8879. Where it can be shown that the returns would be very large, would not it be desirable for the Government to provide the necessary sums, by raising money for the purpose?
Yes; and, generally speaking, the Madras Government has shown great anxiety to carry out such plans.

8880. Has money ever been raised for such purposes in India?
Not specially; but portions of loans raised for general purposes have, no doubt, been so applied, when the money could be spared from more pressing exigencies.

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8881. Lord *Elphinstone.*] Is it your opinion that railways could be more economically constructed by the Government than by a private company?
Yes, I think more economically.

8882. *Chairman.*] What are your reasons for that opinion?
My chief objection to the Indian companies is the guaranteed interest; a company, having a certain rate of interest guaranteed to it, whether the undertaking proves remunerative or not, finds its most powerful incentive to economical management thereby in some degree weakened. The great superiority which private companies have over Governments, consists in its being their self-interest to carry on their undertakings in the cheapest and most economical way, in order to make them remunerative as soon and as largely as possible. When a rate of interest is guaranteed by the Government, there is a risk of the company being satisfied with that rate of interest, without looking so keenly as it ought to greater advantages.

8883. Would not that depend very much upon the rate of interest which was so guaranteed?
Undoubtedly; but the rate of interest must be necessarily rather higher than the ordinary rate of interest at the time to induce people to embark their money in distant undertakings like those of India; the rate of interest is 4½ per cent., which is higher than the public funds give, and money for distant undertakings cannot, I believe, be obtained on lower terms.

8884. Lord *Elphinstone.*] Do not you think that the Government would have peculiar facilities for constructing railways in India, which companies probably cannot possess in the same degree?
They would have the advantage of employing partly their own engineers, in the first place; they would have the advantage of the services of the Collectors and Magistrates in the districts through which the lines pass, in affording facilities and furnishing workmen and materials. These facilities, however, the Government will still give, I am persuaded, as far as it consistently can do so without injury to the people, and it is its interest to do so; but I think the facilities would, perhaps, be somewhat more easily obtained if the works were undertaken by the Government.

8885. Lord *Wharncliffe.*] You spoke of the little inducement which would be felt by private companies to observe economy, in consequence of their having guarantees; did you say that having reference to the circumstance that the guarantee on the part of the Government will involve the Government having an effective voice in the undertaking?
I am aware that the Government, having the responsibility, very wisely retains the control and superintendence entirely in its own hands; having done so, I think it might with advantage have taken the execution of the works also, with the chance of the profits.

8886. Should you say that, generally speaking, Government works in India have been very cheaply executed?
In the Madras Presidency they have been executed very cheaply, as the plans of the bridges and anicuts exhibited to the Committee abundantly prove.

8887. Do you mean cheaply, not in reference to the cost of works in this country, but in reference to the general cost of works in India?
In both respects, decidedly.

8888. When you say that you think the Government ought to undertake the construction of railways in India, do you mean that they ought to send out a civil engineering staff from this country?
They would have had to send out a railway engineering staff from this country, just as the companies have done; they would have employed their own officers in the superintendence. There is now a consulting engineer in the case of each railway. The Government would have employed many of their own officers; but practical railway engineers must have been sent out from this country, at the commencement at least.

8889. One of the first necessities, on the part of the Government in India, in your

your opinion, is, that it should take means to increase the supply of engineering ability?

That is the first and greatest necessity at Madras.

8890. Lord *Elphinstone.*] Do you think that there is any prospect of so many railways being constructed as to compete in any degree with each other?

Not so long as only one company is sanctioned in each Presidency; if two or more companies are sanctioned for the same Presidency, the rivalry which will ensue would lead to very injurious consequences.

8891. The supply of the subordinate staff is not sufficiently extensive, you think, to supply the demands of two railway companies bidding against each other?

Yes, that would be one; and then, competitions for materials and freight, another. It is difficult to obtain freight for supplies from this country. If there were two or more companies sending out articles at the same time to the same Presidency, there would be a competition between them, and that competition would prove hurtful in a great variety of ways.

8892. There would be a great competition for the services of the overseers employed there?

There would be; and it would be necessary to send out overseers from this country. In consequence of there being no civil engineers' college at Madras, we are obliged to instruct apprentices, and to train them for our purposes.

8893. You are, in fact, therefore, going to form a civil engineers' class, such as was proposed in the High School?

To a small extent only, in the expectation that a good civil engineers' college will be established by Government.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Thursday next, Two o'clock.

Die Jovis, 4° Augusti 1853.

LORDS PRESENT:

The LORD PRESIDENT.	Lord WYNFORD.
Earl of ALBEMARLE.	Lord ASHBURTON.
Lord COLCHESTER.	Lord BROUGHTON.

THE LORD PRESIDENT in the Chair.

MAJOR PATRICK THEODORE FRENCH is called in, and examined as follows:

8894. Earl of *Albemarle.*] WHAT was your period of service in India?
Twenty-nine years.

8895. Will you state the nature of your services?
I went out to India in 1822, and came home in the end of 1851; for the first seven years I was engaged with my regiment, and then was put on the general staff of civil employment as Bheel agent in the Province of Candeish.

8896. ill you explain what is Bheel agent?
Agent for a class of men called Bheels in the Province of Candeish; I remained there four years; I was then transferred to Ahmednuggur as Bheel agent and commandant of a local corps; subsequently, in 1840, I was one of the assistants in the Scinde and Beloochistan agency; and on its abolition I was transferred to the agency in Rajpootana in Central India; there I remained two or three years in various employments, and was then transferred to the Province of Nemar, on the Nerbudda, under the Agra Government; I remained in that capacity for two and a half years, and became Private Secretary to the Governor of Bombay, Sir George Clerk. I was subsequently Town-major of Bombay, and Acting Resident at the Court of his Highness the Guicowar.

8897. Have you paid any attention to public works?
Yes, I have, from the period of my being Bheel agent in Candeish; although I was not a scientific officer, or in any way attached to the Department of Public Works, they have engaged my attention a good deal.

8898. Can you state what is the condition of the roads, bridges, tanks, canals and wells in the different provinces of Candeish, for instance?
I have brought a map of Candeish [*producing the same*]; it is one of those large lithograph maps that we have in India; in Candeish there are in fact very few roads; there is one road called the Bombay and Agra trunk road; but in reality there is no road beyond 12 miles from Dhoolia: in the printed Parliamentary paper I see it is put down as if made the whole way to Sindawa; but I have no reason to suppose that that is correct, and it is not bridged.

8899. *Chairman.*] Are you speaking from personal knowledge of the road?
Yes; I came down a portion of it not very long ago; two or three years ago; but I have made inquiries since that, and it is not very long since I saw in the papers a letter from an American gentleman who had gone down by that road to Agra, and described it exactly as I found it there three or four years back.

8900. Then your information, except with regard to four years ago, is derived from what you saw in the public papers?
Yes,

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Yes, and from inquiries I have made from people who have been there since then.

8901. From gentlemen that you have seen in this country?
Yes.

8902. And who have traversed that road?
Yes; I believe it to be in that state still; there may be an error in my mind, or in that of other parties, but I believe there is no made road beyond Sougur.

8903. But you are not able to give any positive information upon that point?
That is my positive belief; and it is not bridged; and very much of the road, for instance, the part below the Thull Ghaut, is rightly described by the head of the Revenue Survey Department, Captain Wingate, as a "most execrable road."

8904. Earl of *Albemarle.*] Are you acquainted with the description of this road which was given by a Mr. Taylor, a writer in a Bombay paper, on 19th January 1853?
That is the American gentleman I was referring to a little while ago, who attached his name to the letter which he wrote from Agra in one of the Bombay papers, having gone the whole trip; and he gave it station by station.

8905. What is the condition of the bridges in Candeish?
I am not aware that there are any.

8906. Are not bridges very necessary in consequence of the number of rivers which are crossed?
Most decidedly; it would be easy to detail various accidents which have occurred from the absence of bridges, producing great detriment to trade and commerce.

8907. Are there many tanks in Candeish?
There are a very few tanks indeed in Candeish; a part called Baughlana, now included in Candeish, has several old aqueducts and canals formed in the days of the Moguls, or even perhaps before that; but there are no new tanks there beyond one or two; yet, there is no country I am acquainted with so well adapted, from its undulating surface and its countless rivulets, for tanks as Candeish is; and perhaps still more for weirs across those rivulets; and the country exceedingly requires them.

8908. *Chairman.*] With regard to the absence of bridges, are there any natural difficulties in the way of bridging the rivers over which the roads pass?
I am not aware that there are. There are several places on the Tapty and the Nerbudda which would require very heavy outlay for the purpose.

8909. Lord *Wynford.*] Do not they occasionally shift their channels?
Not up the country.

8910. Are not they in the rainy seasons very broad?
No; the Tapty has been known at times, in 1822, for instance, to spread exceedingly wide; but that is not an ordinary occurrence.

8911. Earl of *Albemarle.*] Have not those rivers a peculiar direction, different from other rivers in this part of India; do not they fall into the Gulf of Cambay?
All those rivers do, necessarily, from the nature of the mountains.

8912. Are there any canals in Candeish?
There are no canals but those in Bhauglana.

8913. And no wharfs?
No; the wharfs would be on the sea-board, too far removed.

8914. Will you state the facilities afforded, and the impediments that occur to trade and navigation in the Province of Candeish?
The impediments consist in the entire absence of cross-roads, or even of any great trunk-roads, and the entire absence of bridges, and frequently the absence of surrais, places where travellers and merchants would stop, halt-houses, and caravanserais.

caravanserais. As regards other impediments they have been removed, in so far as the transit duties have been abolished.

8915. You are acquainted with Nemar, a non-regulation district?
Yes; I am acquainted with Nemar.

8916. Will you describe the condition of that district?
The Province of Nemar, in the valley of the Nerbudda, is a non-regulation district of about 4,000 square miles, under the Government of Agra. It came into our hands at the time when the Peishwa was removed from Poonah; and in 1845 I was sent there, and was placed under the Government of Agra. This is a map of the Province of Nemar, divided into districts [*producing the same*].

8917. Will you state what has been done of late years in Nemar, and what has been the cost?
During the period that I was in Nemar, having received from the Governor of Agra, Mr. Thomason, and from my immediate superior, the resident, at Indore, Mr. R. H. Hamilton, every encouragement, a vast deal was done more than could otherwise have been done. During the period of 30 months that I was there, 105 tanks were constructed or repaired, 60 new surrais or halt-houses built, and roads and passes through different mountains were made. A good deal was done owing mainly to its being a non-regulation district, and in no way under the Military Board or Sudder Adawlut, but all these matters being under the entire control of the Lieutenant-governor of Agra and the resident of Indore, whose liberal encouragement was doubtless the cause of so very much being done; that was in 1835, 1836 and 1837. Since then, the same liberal support has been extended to my successors, Captains H. L. Evans and R. H. Keatinge; and I believe there is now no part of the Bombay Presidency which can be compared to Nemar in all these material advances. Besides these works, 14 Vernacular Libraries were established. I had at first no assistant of any kind; but Mr. Thomason, the Governor of Agra, gave me an uncovenanted European assistant, on a salary of 300 rupees a month. On visiting the place himself, subsequently, he was good enough further to increase the establishment by a European covenanted assistant, an officer of artillery, Mr. Keatinge, now in charge of Nemar, and a native assistant, my Sheristedar, Lall Khan; so that then we had a full establishment, and were enabled to carry on the works at a rapid pace, and to do a great deal more than could otherwise have been done; and it was found exceedingly serviceable to have this European uncovenanted assistant, for although our revenue was small, we had to furnish as many returns as if it had been large: the treasury (a general account), and gaol, with other work, were all made over to this uncovenanted assistant. He corresponded directly with the Accountant-general, the Civil Auditor and other officers, touching fiscal matters. A native uncovenanted assistant was subsequently added to the establishment by Mr. Thomason; so that then we had an European uncovenanted and covenanted with native assistants, having equal powers with myself, as a magistrate (they being joint magistrates), as well as a deputy collector.

8918. You found them competent?
In every respect. The European has died, and has been succeeded by another uncovenanted assistant: so admirably well had the system been found to work.

8919. Can you give the Committee any idea of the cost of any of those works?
The largest sum expended was 5,000 rupees on a tank, the Lake of Lachma; it was one of those magnificent works thrown up by the former rulers of the country, the Kings of Mandoo, costing many lacs of rupees. When the great deluge came in 1802 or 1803, it burst, as every tank in the country did, and in that state it remained till 1845, when, under the encouragement of the Government of Agra, and Mr. Hamilton, of Indore, it was restored, and is still in useful operation.

8920. Lord *Wynford.*] What is the extent of that tank?
That tank is about three miles in circumference.

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8921. What is the quantity of water in cubic feet that it is supposed to hold?

I do not think that was ever calculated. We had too much to do to enter into those calculations, if we could have done it.

8922. Does it arise from damming up a stream?

Yes; there are several feeders to it, which are in operation only during the monsoon time; it is a stupendous work, that portion of it done by the Kings of Mandoo; ours was a very small affair, merely stopping up where it had burst.

8923. It is in a valley?

It is in a valley.

8924. Given the length of the sides and the width of the bank, it is no difficult operation to calculate the number of cubic feet of water?

No; it would not have been difficult, but I am not aware that we ever tried it.

8925. Earl of *Albemarle.*] Have you anything further to say with respect to the roads in this part of the country?

There have been a great number of roads made since then; a very fine road has been made from the top of the Ghaut, near Mhow, to Boorhanpoor, crossing the Nerbudda, where there is a trustle bridge lately made by Mr. Keatinge; it is a good buggy road the whole way down to Boorhanpoor, about 100 miles, for all seasons.

8926. Is it fit for commercial purposes?

Quite so; with tanks at every village and rest-houses.

8927. Have you anything further in particular to state with respect to the province of Nemar?

I should be very happy to say a good deal with reference to the system pursued there, and how it might be applied to the neighbouring province of Candeish, with regard to tanks, and with regard to placing at the disposal of European officers more leisure, by the employment of uncovenanted Natives and Europeans: a great deal might be done in that respect.

8928. Lord *Colchester.*] Is Candeish a regulation province?

Yes.

8929. Your evidence would show the difference between a regulation and a non-regulation province?

Yes; and the advantages the latter has over the former.

8930. *Chairman.*] Will you be so good as to state the system which you pursued in the non-regulation provinces, and which you think might be extended to the neighbouring province?

I would first say that in a regulation province, in Candeish for instance, there is a collector and four or five European assistants in the Civil Service, and two or three or four Bheel agents. It may be that one or two of them, the civil assistants, are of some five or ten years' standing, the others are of course much younger, and are as it were learning their duty. The collector of the province is at the same time magistrate and head of the police, and in fact should be called Governor of the province; every kind of improvement, whether with regard to roads or tanks, or anything of that nature, must originate with him—so that he has consequently a vast deal more to do than it is possible for him to get through. I may mention that when living there for years on the most intimate terms with many collectors, my own especial friends, I have frequently seen them, when far away from the head-quarters station, signing paper after paper which the native accountants have sent from head quarters for their signature; without of course being at the trouble of looking at them, but placing reliance on the accountant in the office, who was not even a covenanted or uncovenanted assistant, but a mere common ordinary accountant, indifferently paid or rewarded in any sense. Now, what I would say is, that in Nemar, where everything was so very different, I was enabled, as I before observed, to place the whole of the accounts of the treasury and the gaol, and of the revenue, in fact, as far as concerned the head quarters of the department, under an uncovenanted European assistant, who had been originally a clerk in some of the offices in the North-Western Provinces, and who was sent to me as assistant; he corresponded direct with the civil auditor and the

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the Accountant-general; and I was of course held generally responsible for the accounts; this man was well paid, and was entitled to a pension, and to increase of pay with increased services, that would belong to him in a regulation district; in Candeish, for instance, such an officer could relieve the collector of a great deal of nominal work—work that he cannot be held responsible for, inasmuch as he has not time to get through it; and would have the effect of placing at the disposal of the European officers under him a vast amount of leisure for the discharge of their multifarious duties as regards tanks, road-making and many other necessaries. The Governor of the province and his assistants (for the expression "Governor" is far more applicable than that of "Collector") might, so aided, in various ways be of use to the people of the country by having placed at their disposal much larger funds for the purpose of carrying out those improvements, and having a certain degree of trust reposed in them; in Candeish I believe it is about 5,000 rupees a year, which the Governor of a Province of some 10,000 square miles, with those European assistants, are allowed to expend on roads, tanks and wells, and such things, without reference to the Government, and without being compelled to send for and obtain sanction; that sum they may expend, only rendering an account of the outlay, a most inadequate sum, amounting to about 500*l.* in our currency. But in Nemar, where I was, having got every encouragement from the Governor of the North-Western Provinces, and Mr. Hamilton of Indore, I spent a far greater sum than that, without getting any sanction, until I had completed several works and spent the money on them. Then I wrote for sanction, merely in a few words, explaining the necessity of such works, and got it. Mr. Thomason and Mr. Hamilton were good enough to repose that confidence, and of course the responsibility became the greater. I found no difficulty whatever through my assistants and the head man of the village, the patell, in running up the ordinary retaining walls of earth and clay of a small tank, weirs across rivulets, or anything of that kind, requiring a little science, as far as science is concerned; that is to say, in all that the eye can command, in which perhaps a Native will generally far excel a European in correctness and precision. In Ajmere, where Colonel Dixon has done so very much, he was in the same way uncontrolled by the Military Board, and got every encouragement from the Government; so that he was enabled in the same manner to carry out very great works, far greater than any I can lay claim to. I believe the revenue of the country is vastly increasing. The people that were before very uncivilised have become good, industrious, honest farmers.

8931. Lord *Wynford.*] In the districts with which you have been acquainted, is there any very remarkable deficiency in the means of communication between different provinces?

Very remarkable indeed; when I came down in the October of 1847, to join Sir John Clerk as his private secretary, I was coming along this very trunk-road from Bombay to Agra; when travelling on the trunk road I came to a place on the line near Seirpoor at night time, in a palanquin, and we had to stop because a cart laden with salt was passing along; its wheels stuck fast in a rut right across the road; I had sixteen bearers carrying my palanquin, and three or four times their efforts failed in trying to extricate the cart from this rut in which the wheels had sunk. That was in the high road leading from Malwa and Agra to Bombay.

8932. That was immediately after the monsoon?

That was immediately after the monsoon. That road ought to have been bridged, and it would have been bridged had it been in Nemar, because they have there a road fund, as well as a sufficient establishment; and I need not have written to obtain the sanction of the Government to the paltry outlay requisite to have made that; and so I could mention hundreds of anecdotes of a similar nature; and in fact the impediments to trade and commerce are innumerable, such as no other people would put up with.

8933. Is not that the principal site of a great deal of the cotton cultivation?
A great deal.

8934. This road leads from that cultivation towards the port of export?
Yes; to Bombay.

8935. Is that state of the roads such as to impede the transport of the cotton from the place where it is grown to the port of exportation?

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It depends upon circumstances; if the cotton is taken down on pack bullocks, as it frequently is, those bullocks wander over a wide space of country, and roads are of no avail to them; they wander along the jungle, feeding as they go: 1,000, 2,000, 3,000, or 4,000 bullocks are in the morning laden and driven away; they go along the whole day till evening, when there is a halt cried, and the packs are thrown off, and an encampment formed for the night: to them a road is of no consideration; but a road is very important where the cotton is pressed up the country, and taken down in waggons; that would be a far better way of transporting it, and no doubt far more economical. The cotton pack is dragged along through those jungles, or thorny bushes and trees, and suffers enormously; much cotton is dragged out of the pack; in fact one might very easily collect a large supply of cotton, by merely taking it off from the thorny trees all along the line that the bullocks pass; then in the evening that sack, torn as it has been during the day by those thorns, is thrown over upon the dusty ground; and, of course, when the cotton reaches this country, it is pronounced of very inferior quality, having in this transit of a month and a half or two months to Bombay each day taken in so much dust: if it could be carried in waggons, of course it would come in a very different condition.

8936. Earl of *Albemarle.*] A Return has been made to the House of Lords, showing the trunk-roads fit for the transport of goods by wheel carriages which have been constructed in the Bombay Presidency; will you look at that Return, and state what is the general condition of the roads there mentioned?

The first is the road from Bombay to Poona, 94 miles. The road is a fair road enough, but it goes over the Bhore Ghaut, with a gradient of one in 10 or 11 or 12, which is a frightful gradient; but otherwise, it is a fair road for India. Then the next road, I observe here, is the Mahabulishwar road, that is up the hills. The road, as far as the people of the country are concerned, is of no use at all. It is solely of use to Europeans, and in my opinion should not have been made; while other works of essential use are wanting for trade. The road from Poona to Ahmednuggur is very fair; and the road from Poona to Sattara is the same. The road from Poona to Narraingaum I do not know. Then with respect to the Bombay and Agra road, it is stated here to be made for 270 miles to Sindwa. According to my knowledge, derived from inquiries lately made, that road does not extend to Sindwa; it only extends to Soangier, which is 12 miles beyond Dhooliah. I am confident that nothing has been done to it up to Agra beyond the mere levelling, clearing, and throwing the stones aside. I am not aware that it is bridged anywhere scarcely; I know that the Tapty and Nerbudda are not bridged, the Girna is not bridged, nor is the Godavery, with many other rivers.

8937. *Chairman.*] Are the Committee to understand that you dispute the correctness of this Return?

No; I do not dispute any portion of the Return; I merely make this remark on the Poona and Bombay road, that there is the Bhore Ghaut with a gradient of one in 12; and this Bombay and Agra road to Sindwa is, I think, a little over-stated, though it is perhaps not worth noticing. Then this is not including bridging. Many of these roads are not bridged.

8938. You have previously stated that your own personal knowledge does not extend later than three or four years ago?

Yes, as to portions of it.

8939. Earl of *Albemarle.*] Will you state the general condition of the public works in Guzerat; such as roads, bridges, tanks and ports?

That is very easily summed up. There are no roads or bridges in all Guzerat; that is to say, in the collectorates of Surat, Broach, Kaira and Ahmedabad; there are none outside the military cantonments. There are no bridges, and the ports are in a state of nature. The ports are in the Gulf of Cambay, Tunkaria, Goga, and Broach; those different ports may be said to be in a state of nature, presenting very great drawbacks to trade. As to roads there are none in the whole country, in consequence partly of which, its trade during four or five months of the year with the ports is stopped; because it frequently happens that a late fall of rain coming on, the yet damp soil has the effect of shutting up trade for perhaps six weeks after the ordinary close of the monsoon, when boats come to the named ports. These boats have thus to remain idle until the mud dries,

so as to allow of carts to pass over it. This is a very serious drawback on trade and industry.

8940. Is there not a tramway there?

There is a tramway at Dholerah; owing to the exertions of Major Fuljames, commanding the Guzerat Regular Horse, now political agent in the Rewaconta, a tramway has been made there, which has proved of very great utility to the trade of the country it is in.

8941. Do you know anything of the expense of it?

No, I do not. With reference to harbours in the Gulf of Cambay, and places for loading and unloading goods, one of them is Broach on the Nerbudda; nothing can be in a more backward state than those are; there is no wharf or crane of any kind; and the trade has to contend with obstacles, which, perhaps, none would encounter but the patient and persevering people of India. For instance, at Broach, a place of great export of cotton, it is not uncommon to see the people lay a pathway of grass on the damp bed of the river, and then to spread their blankets or their coarse cloths on it, and roll bales of cotton down to the boat over this path. After a time, the pressure of their feet on this way so made of grass sinks into the mud; and the consequence is, that the bales arrive in Bombay damp, and they are injured to some extent; it would be a very easy matter at Tankaria Bunder, Broach, Surat and elsewhere, to have wharfs or conveniences such as trade and commerce require. In Guzerat the material for road-making is very deficient; but it would be a very simple matter to have the tracks of the country used as roads annually repaired; now the ruts formed by the wheels are frequently two feet deep.

8942. In fact the roads are concave instead of convex?

Yes; the axletree in going along frequently scrapes on the mound between the two ruts formed by the earth being thrown up by centuries of use by the wheels passing to and fro; and a more frightful thing to ride over or drive on than one of those roads it is impossible to imagine; it was frequently recommended to the Government to have them levelled and filled up; and if that were once done, the annual cost of repair would be a very small affair. But under the Presidency of Bombay it has generally been found that nothing could be done without such forms being gone through with the Military Board, and one impediment or another of the kind, that those things fell dead born, and nothing was done. When I was Acting Resident at Baroda, two or three years ago, being called upon by the Government to make some remarks upon these matters, I suggested having these roads filled up, and something being done for the port of Tankaria Bunder, but nothing was done; nor was the suggestion made by the Committee upon cotton in the year 1846 attended to; they recommended something being done to those ports, Tankaria Bunder, Broach and Surat, by at least constructing landing-places and cranes, but nothing has been done for that purpose, except that I am told that an expenditure of 30,000 rupees was sanctioned for the construction of a landing-place at Tankaria Bunder lately. In all Guzerat, so far as I am aware, there are but a few miles of tolerably clear and level road; and that was made a little time back by his Highness the Guicowar 14 miles from Baroda to Wassud on the Mhye; he repaired and bridged it, built one or two surais near it, and planted trees on either side the whole length.

8943. Do you know the road from Ahmednuggur to Bombay?

Yes; it is a fair road through Poonah over the before-named Bhore Ghaut, in which are gradients of one in 12, I believe.

8944. Has there been any increase of traffic upon it since the making of that road?

Vast increase. Previously to the construction of the road from Bombay to Poonah, and on to Ahmednuggur, carts were not very common in the country; but since then they have become exceedingly numerous, and in every direction wheelwrights are to be seen. The extension of the traffic has been very enormous, in consequence of the construction of those roads. If there were good roads to Candeish and Berar, no doubt that we should have fine large waggons and carts, such as are found in countries where commerce is more favoured.

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8945. Is there any outlet for the trade of the southern Mahratta country direct to the coast?

Not that I am aware of: I observe here it is stated that there is a road from Vingoola Port to Belgaum, Dharwar, Hooblee and Port of Coompta. But that is not a port for anything more than boats. Viziadroog is a small harbour, which, if attended to, no doubt a good deal could be made of; but then a road is required up the Phoonda Pass into those countries of Belgaum and the southern Mahratta country.

8946. Have you any other suggestions to make with a view of affording an outlet of the trade of the southern Mahratta country?

Not that I am aware of. The harbour of Viziadroog might, I think, be made with great advantage a harbour of refuge; and a lighthouse should be built there, and a Customs Department established there. The repair of the Phoonda or some other pass leading thence up into the southern Mahratta country is very essential.

8947. In what mode could the cotton of Berar and Candeish be best enabled to reach the coast?

My opinion is, that the better plan for the cotton of Berar and Candeish is to go to Surat down by the Isabarry Pass. This map [*producing a map*] is from a work on cotton and railways, by Colonel Grant, of the Bombay Engineers. There are no impediments to that line, and it is in fact the natural line. A survey of that line has just been sanctioned by the Board of Control and the India House, for the Baroda and Central India Railway Company.

8948. Have you any information upon the subject of linseed in those provinces?

I know that Berar produces a good deal of linseed. The obstacles to its being taken in any quantity to Bombay are the absence of good roads and bridges, and the consequent absence of carts and waggons, which of itself explains the difficulties the trade has to contend with. A friend of mine residing in Berar, who is a trader in cotton and various matters, sent some years back a quantity of linseed, as specimens to various mercantile houses in Bombay, asking the terms they would offer for that species of linseed, and they wrote to say that they would take any quantity of it; but the terms offered were such as that that gentleman would have merely saved his own if he had to carry the linseed on pack bullocks from Berar to Bombay; if he could have sent the linseed down in waggons or in any way except on the backs of bullocks, where it was liable to have the sacks torn and to encounter many accidents, the trade between the country we have just acquired in Berar and Bombay in linseed alone would have been very extensive; but it is like a good many cases in India of that kind, where a vast number of agricultural productions that will not bear the expense of transport to the coast are grown, owing to the absence of roads.

8949. Lord *Wynford.*] Can you explain how it is that the cotton is not transported for the purpose of exportation to the mouth of the Godavery instead of to Bombay?

A good portion of the cotton of Berar goes to Mirzapore; the remaining part comes to Bombay, being the nearer port.

8950. As a great proportion of the cotton is afterwards shipped to China, and does not come to England, surely it would be much better to ship it to China from the mouth of the Godavery, than from the Bombay side?

I do not know anything of that part of the country; I know a great deal goes to Mirzapore and to Coringa.

8951. Earl of *Albemarle.*] You have spoken of the works which are required and of the facilities which exist for executing them; but would they not require a large engineer's staff?

No, I do not think they would; because, from what I have stated, from the way in which things were done in Nemar and in the Ajmeer Provinces, there would be great facilities for doing those things so soon as the means were placed at the disposal of the Collector. Give him the men and means of doing the works, and he would very soon get them done. But to enable him to superintend those works, and to look after them, he must be relieved of a good deal of petty minor detail, involving some responsibility, before alluded to, in the shape of accounts and other matters

matters of that kind. This object might be elucidated by anecdotes which we have all heard of, instances of accounts remaining unclosed for many years together. That kind of thing would never have occurred were there the uncovenanted assistants, that I have before referred to, in some manner placed at the disposal of the Collector; it would save money as well as time; and he, with his assistants, would do a vast deal without any extra staff of engineer officers.

8952. The uncovenanted servants would supply the place of the covenanted?
Of course they would.

8953. And efficiently?
In my opinion most efficiently; over them Government would have a far greater hold than they have over the covenanted; they would be Natives of the soil, or Europeans duly qualified in a knowledge of the habits, customs and language of the country, such as few covenanted ever possess; and ere possessing this knowledge, the uncovenanted should not be employed. The covenanted goes out employed, and is on a high salary while acquiring a portion of that the others would have previous to drawing a salary. In the North-Western Provinces uncovenanted servants are extensively employed.

8954. You are speaking now of the Natives of the country?
Europeans and Natives of the country; I have had no opportunity of judging of the efficiency of Europeans not born in the country.

8955. Broach is a port, is it not?
Broach is a port on the Nerbudda River.

8956. What condition is it in?
In the condition in which nature left it, wanting in every sense. There is no means of any kind afforded to benefit the trade there; it has been sadly neglected. Everything is wanting; there is no landing-place; there is no such thing as a crane or work of any kind to aid in loading and unloading boats.

8957. What would you suggest for the ports in the Gulf of Cambay?
Good roads cannot be made very easily, from the absence of stone or other material of that description along the lines leading to these ports; the best thing that can be done is to level and raise the line of country as a road; and to mark it out with a drain on either side, and bridge it as best may be done, making at the ports such landing-places, and erecting such cranes and other means as are called for to load and unload boats.

8958. Lord *Elphinstone.*] Is not the Guicowar making a railway somewhere in that direction?
No; there was a scheme talked of when I was at Baroda, some years ago, which is now embodied in a Company lately started, called the Baroda and Central India Railway Company.

8959. Earl of *Albemarle.*] As you were interested in the introduction of railways in Guzerat, will you state the present prospects of the undertaking?
A Company has been formed which has addressed a memorial, of which I have a copy, to the Court of Directors, called the Baroda and Central India Railway Company. As yet very little has been done; but within the last week or fortnight the Court of Directors and the President of the Board of Control have sanctioned our now proceeding to work, by sending out a staff of officers to survey the line, and in fact making a beginning.

8960. Lord *Wynford.*] It appears that there is a line projected up the Valley of the Taptee, into Berar?
It is one of our branch lines.

8961. Earl of *Albemarle.*] What do you consider to be the best line for the conveyance of cotton from Candeish and Berar to the coast?
The natural line is by the valley of the Poorna and the Taptee, through Berar and Candeish to Surat, descending *viâ* the Isabarry Pass, a pass that I went down a few years ago with the Guicowar, who had in his train 1,200 carts. We found the road a very easy descent, and according to my opinion, for a very small sum of money, it could be made a very excellent road; it was in fact levelled and repaired to some extent in 1824, but since that time it has been much neglected.

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8962. Lord *Elphinstone.*] Are the lines marked in this map which you have produced, the lines which you would recommend for the construction of railways in the Bombay Presidency?

No; the lines which I would recommend are naturally those of the Company of which I am a director, the Baroda and Central India Railway Company, being from Bombay to Surat, and on to Baroda through Malwa to Rutlam, and to Agra by the valley of the Chumbril.

8963. By that line you would avoid the Ghauts?

Yes; you flank the Ghauts, with branch lines from Baroda to Ahmedabad, and from Surat up the valley of the Taptee to Oomrawattee in Berar.

8964. Would those lines be constructed and worked at less cost than lines which cross the Ghauts?

I firmly believe so.

8965. Would they be very circuitous?

No, not very much so; that to Berar would be somewhat circuitous; but the others are exceedingly straight, taking in all the great commercial cities of the West of India and Malwa, which export annually two millions worth of opium.

8966. Earl of *Albemarle.*] Besides the advantages of railway communication to commerce and to agriculture, have you anything to say with respect to the facilities which it would afford for the transport of the army?

I think that the introduction of railways would, as stated by the Governor-general in his late invaluable minute, enable a vast reduction to be made in our army, as well as much facilitate its operations, and add to our prestige.

8967. Lord *Broughton.*] Are you aware that Lord Hardinge made a calculation that the having a railway from Calcutta to the North-Western frontier would enable him to reduce the army by 50,000 men?

I think it is very likely indeed. Lord Dalhousie does not state what amount of reduction could be made, but he says he thinks that a very great one indeed might be made if railways were established.

8968. Earl of *Albemarle.*] Can you suggest any means by which our finances may be placed in a condition to meet the guarantees for, or the construction by the State of such costly works as railways?

I suppose that any person who has been the length of time that I have in India in such different capacities, political and other capacities, would be enabled to point out various ways in which large sums of money certainly might be saved. The estimate formed by any witness will of course be dependent upon the earnestness with which he viewed the want of roads and such like things up the country. His enthusiasm or earnestness in the cause would determine how far he may or may not be carried away, in judging of the necessity of this or that or the other appointment. Having served so very long in India, in the interior of the country, having resided very much among the people, I have very strong notions on the matter, and, I confess, perhaps a little enthusiasm. I am of opinion, that very large sums of money are needlessly squandered, while, at the same time, the wants of the people are in proportion neglected. I would, if it were thought requisite, mention those particulars in which I consider that money might be saved.

8969. Will you state what those are?

I know not but that I may be trenching upon matters of which it has not been customary to speak in the evidence before this Committee, but, being of opinion that every man might, to a certain extent, be enabled to point out how the Government would be placed in a position to carry out these works, which are so essential to the country, I think there is no indelicacy in saying how the means are to be acquired, in my opinion. Therefore, I would say, that I think the first thing would be to do away with sinecure appointments; and having myself held one or two of them, I am, perhaps, the better able to judge of that. I would say, that there are at Bombay, and perhaps elsewhere also, appointments which I think might very reasonably be curtailed, or modified extremely; for instance, the appointment of Private Secretary to the Governor, and of Military Secretary to the Governor. I held, myself, the appointment of Private Secretary to the Governor, and I must confess that I know that to be a sinecure, and I believe that the other is also.

8970. Lord

8970. Lord *Broughton.*] Do you speak only with reference to the Government of Bombay, or do you speak of the other Presidencies also?

I speak of the private secretary to the Governor of Bombay; I cannot speak with reference to the other Presidencies, but I can with reference to Bombay, having been myself secretary to Sir George Clerk; and if any doubt should exist upon the matter, it would only be requisite to state a list of those who have filled the offices for the last 20 or 25 years; and it will then be seen whether the State can afford to pay 1,500 rupees a month, or 18,000 rupees a year, on the simple article of salaries, to persons in such a position. I deem the situation of private secretary to the Governor to be a sinecure, inasmuch as the Governor has the secretaries of the Government from whom to take advicé, and to consult. If the Governor knows his duty, he will, through them, be enabled to carry on his work; if he does not, he may rest overmuch on his private secretary.

8971. Lord *Elphinstone.*] Had not the Governor of Bombay very numerous correspondence to conduct?

I should imagine not.

8972. Were there no applications for appointments that came to the Governor?

Yes; applications for appointments came in in great abundance, mere matters of form.

8973. Were there no petitions that reached him?

Petitions which came in would be transferred to the department to which they belonged, in the secretariate; they would probably come in in the vernacular language, and be sent to the Persian department, and by that department be made over to their proper one.

8974. Was it not your habit as private secretary to answer any of those petitions yourself?

No; there may have been one or two that would be addressed to the Governor, not as Governor in Council; I speak with diffidence; I am not very certain that I did reply to even one or two, unless they might have been petitions presented at the Government House, when Sir George Clerk might tell me personally to speak to the petitioners.

8975. Then it was not the habit at Bombay for the Governor to receive petitions either personally or through his private secretary?

If any were brought, the private secretary would transfer them to the secretary to Government, to whose department they belonged.

8976. But it was not his habit to answer them either himself or through his private secretary?

Not through his private secretary; if people themselves came with a petition, and asked to see the Governor or to see his private secretary, his Excellency might in person reply to them, and very likely it might eventuate in their taking back their petition upon his explaining that it was a thing which he could not interfere with.

8977. But, generally, you had no extensive correspondence to carry on?

No; acknowledging applications for appointments is not worth mentioning.

8978. Had the Governor no extensive correspondence to carry on?

No, I should say not; but Sir George Clerk was a man who had served so long in India that he was quite at home in every department; and being of active habits, he saw every man at the Presidency himself.

8979. What number of letters do you think the Governor might receive in the course of a day to be answered through his private secretary?

I should say that he never received five or six; I should doubt whether he ever got so many; I may add any. The Governor would probably correspond with one or two persons from whom he might wish to elicit information; but the ordinary course is to correspond through the secretary of the Government, in whose department the matter lies, he being more conversant with the matter than the private secretary could be.

8980. With regard to the establishment at the Government House, were there no

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no duties devolving upon the private secretary connected with the management and payment of the Government House establishment?

That devolved upon the military secretary; and having seen much of the military secretary, I class his appointment very much under the same head under which I put my own; I do not think that either can be required. Sir G. Clerk was the only Governor I am aware of who nominated servants of the East India Company as his private and military secretary. These situations are always filled by sons or relations of the Governor, gentlemen of Her Majesty's service, army or navy, or of our service; so naturally they can be of no use to India, which pays them.

8981. Lord *Wynford.*] Is there no direct correspondence between the Government of Bombay and the authorities at home?

Yes; the official foolscap correspondence is of course voluminous beyond description; the letters go from the Governor in Council, and are signed by one of the Secretaries; the ordinary correspondence is in that fashion.

8982. Lord *Broughton.*] Have you ever considered the question of the expediency of the Governor of Bombay and the Governor of Madras having councils?

I have frequently considered it, having been thrown in the way of looking at such subjects, not only during the period I was with Sir George Clerk as private secretary, but long before, from other circumstances, and my opinion is, that where a Governor is sent out conversant with the duties he is called to perform, a council can be of no necessity.

8983. Do you not think that Mr. Thomason, for example, would be rather impeded in his administration by a council than assisted by it?

Most certainly he would be impeded, because during the period that I was connected with the Government of Bombay, being the Governor's private secretary, the council tended much to impede, by constant strictures on everything, and critiques, and reviews and revision, and never themselves originating anything.

8984. Earl of *Albemarle.*] Have you any other reductions to suggest?

I have mentioned that the private and military secretaryships of the Governor, amounting in salary, the one to 1,500 rupees per month, and the other to 1,000, might be reduced; but it is requisite for the Committee to bear in mind that this is the salary only; they travel at the Government expense, and all and everything, except their horses and servants, are furnished by the State; then I think that considering the extreme want which there is in the country of roads and bridges, and the wants of the people generally in the interior of the country, we are not in a position to expend upon such things as the Governor's band 2,000 rupees a month; I think that certainly might, with great propriety, be abolished.

8985. Is there any other band of which the Governor could avail himself?

Yes; every regiment has a band; that in question is commonly called the "garrison band" of Bombay. When it was originally raised, many years back, there were then no bands with the Company's regiments; now there is a band with every regiment, supported mainly by the State, and this garrison band of Bombay, or the Governor's band, which is under the town-major, does no military duty. It performs twice or thrice a week on the Esplanade in Bombay for the Europeans of one of the richest towns in the world perhaps, who should in lieu support a band by subscription. But seeing how the people in the interior of the country are suffering from the want of roads and bridges, and wells, and many things, I do not think that can be regarded as a legitimate manner of expending about 2,000 rupees a month by the Government, besides other expenses, attending on such a body, while only one lac or five times the cost of the band is sanctioned for the education of the whole Presidency, containing 11,000,000 of souls.

8986. What other economical measures would you suggest?

I think also that the whole of the garrison staff of the Presidency might be remodelled, and the saving by that would amount to 1,000 or 1,200 rupees a month. The Governor of Bombay is Commander-in-Chief of Bombay, not the Commander-in-Chief of the Army; the Commander-in-Chief of the Army has no authority over the garrison in the island of Bombay. The consequence is, there is a double establishment, and I think a revision of it would be attended with a very

very considerable saving of expense, making the Commander-in-Chief of the Army, Commander-in-Chief in Bombay.

8987. What amount of reduction do you contemplate by that item?

I think in round numbers it might be put down at 1,200 rupees a month; that is 1,400 *l.* a year.

8988. What is the next item?

From inquiries I have made, I have satisfied myself that the appointments of Military Secretary and Persian Interpreter to the Commander-in-Chief of the Presidency are quite needless, and may be dispensed with, without detriment to the service at large.

8989. Has the Commander-in-Chief no necessity for an interpreter occasionally?

No, I think that he has not. He sees very little of the army. But even were it otherwise, his aides-de-camp may be supposed to be interpreters, or should be so qualified; and every regiment has an interpreter. He never sees the men without an interpreter being there, and besides which it is pretty well known that the situation is a mere situation. If he requires anything with reference to the army at large, there is always the Quartermaster-general or the Adjutant-general, and the different heads of departments at call. It has also occurred to me, that a great deal might be saved were the public offices of the Presidency of Bombay transferred to the now useless town barracks in the fort of Bombay. The idea is nothing new; but I mention it, as the non-performance of that proposal shows that there is little regard paid to the introduction of economy, and consequently to the means of supplying the wants of the people up the country. That I calculate would be attended with a saving of about 3,000 *l.* a year. How far the different points I referred to would be applicable at Madras I am not prepared to say; but if applicable there also, the saving would be of course double.

8990. What would be the aggregate amount of saving that would be effected by the adoption of those measures?

I think it is about two lacs of rupees per annum; that is with others I could name.

8991. About 20,000 *l.* a year?

Yes; but I only speak of what has come within my own observation. No doubt if the Committee have put similar questions to other witnesses, they would have elicited a good deal of information. These suggestions of reductions would, of course, never be supposed to apply to the incumbents of offices at present.

8992. You stated that the Collectors and their assistants are allowed a small sum annually to expend on roads without any reference to the Government?

Yes, 5,000 rupees.

8993. Lord *Elphinstone.*] And without any reference to the amount of the collection in their district?

I believe so. My information upon that point comes from a gentleman now at home; and as far as I can recollect, it was 5,000 rupees that they all had.

8994. Earl of *Albemarle.*] You would recommend that that amount should be increased?

I would certainly, to carry on public works.

8995. Lord *Wynford.*] And you would provide for that by the means you have proposed?

By curtailing useless expenditure; this is one means.

8996. Lord *Broughton.*] Did not it appear to you, when you were Secretary to the Governor of Bombay, that there was an unnecessary multiplication of correspondence backwards and forwards from one Board to another?

Exceedingly so; that seemed to be admitted on all hands. Even in Bombay itself they allowed it.

8997. Earl of *Albemarle.*] Do you think that the Collectors at present have time to superintend advantageously the outlay of a much larger grant for roads and other useful works?

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No, I do not think they have; but that would be met by the introduction of uncovenanted assistants, by employing, as I was enabled to do in Nemar, Natives to carry out many of those works. I found them then perfectly equal to do it, and I found them trustworthy.

8998. With respect to public works, you are for a much greater employment of Natives in their construction, and in performing many of the functions now performed by covenanted servants?

Yes, I would employ the Natives far more extensively and in higher positions than they are now; I did in Nemar, as well in judicial, revenue and general matters, as in the construction of many of those roads, small bridges and tanks, and weirs across rivulets and things of that kind, which they would do better than I myself could, or at least as well, where they require no engineering skill; where there was an engineer required, then I would have one of course. The great trunk lines of road should be laid out by them; and when there are broad rivers to be spanned, they should be employed to do it.

8999. You had in the Nemar district, Europeans and Native assistants; how do they act together?

Exceedingly well; as magistrates they had power equal with myself, being joint magistrates; and their power was double that exercised by any collector or magistrate in one of the regulation provinces. It was found that they exercised it with great judgment and propriety, and to this hour they have given every satisfaction, and, in fact, in the North-Western Provinces, they have been most extensively employed. It is only on the Bombay side that there seems to be a reluctance to give them the encouragement which the behests of the country point to. We have not got covenanted Europeans in sufficient numbers to discharge the various duties, even if the men themselves, in respect of capacity and endurance of the climate, and knowledge of the Natives and their habits and customs, were equal to what is required.

9000. There were certain suggestions made by the Committee of the House of Commons on the cotton cultivation in the year 1846, regarding the ports of Guzerat; how have they been acted on?

They have not been acted on. The Cotton Committee of 1846 recommended certain improvements of the ports.

9001. Did they not recommend facilities to be provided for landing goods?

Yes, for landing and discharging in the Gulf of Cambay; they have not been acted upon; and the ports remain still as they have been, in a state of nature, as the roads are in Guzerat.

9002. Did not the Guicowar build a caravansary at Tunkaria Bunder?

Yes, he built a very fine one at Tunkaria Bunder, although a British port.

9003. Is it protected by any military force?

No, I cannot learn that it is; protection is exceedingly called for. A military post should be placed there, as was recommended to the Government; but they did not see the utility of the matter, and there is consequently no protection at Tunkaria Bunder for traders and others who resort to the port.

9004. Is that the reason that it is not more used?

That may be one of the reasons.

9005. What is the saving by Tunkaria Bunder as compared with the route *viâ* the Thull Ghaut from Malwa?

The saving of land carriage in going to Bombay by Tunkaria Bunder, by Baroda up to Rutlam, when compared with the route from Rutlam *viâ* the Thull Ghaut down by Nassick, is 214 miles. Against this, of course, there is to be put the sea voyage; but the road has been neglected and not protected by the police; and many other reasons exist why trade with that port has fallen off in latter days.

9006. What suggestions would you make for facilitating the import and export trade between Malwa and Bombay?

I should say, perhaps, the best mode of doing it would be to carry out the Governor-general's idea of railways, as lately published.

9007. Is there not a want of good materials for road-making in Guzerat?

There is; it is exceedingly deficient indeed.

9008. What

9008. What would you suggest as a substitute for stone for metalling the roads?
What we call morum is to be had in some places.

9009. Is it easily procurable?
In some places it is; but burnt earth or clay has been found to make very good roads; at all events the simply filling up of the ruts, raising the roads with a ditch on either side, laying down straight lines and bridging over rivers, would be itself a very vast concession to the trade of the country.

9010. Did you, while acting resident at Baroda, make any suggestions to the Government upon this subject?
I did; they were not attended to.

9011. Are you of opinion that the patells, the head men of the village, may be safely intrusted with the construction of small tanks?
Certainly; I found them fully equal to it in Nemar, and elsewhere, where I have been.

9012. Lord *Elphinstone.*] Do not those persons differ very much in different parts of the country?
I suppose they do.

9013. May not a patell in the part of India of which you are speaking be a much more intelligent man than a patell in Southern India, or a head man in Bengal?
I can only speak as far as I have seen. In Candeish or Guzerat or Nemar, they are fully equal to do anything of that sort, and to a good deal more, I think; many of them are very intelligent men.

9014. Earl of *Albemarle.*] On the maps which you have shown to the Committee, there are a number of rivulets; would it, in your opinion, be advantageous that means should be adopted for retaining the water in those rivulets by means of weirs?
I should say that they might be all so stopped up, and weirs thrown across, and be made to retain a very considerable amount of water.

9015. Would those constructions require an engineer officer?
Certainly not, in the places referred to.

9016. Who would superintend them?
The head revenue officer or Mamhildar of the Pergunnah would see to the construction, having obtained the sanction of the Collector, who or his assistants would see to its progress.

9017. You think that if the roads were improved, the present system of transporting goods by means of pack bullocks would be done away with?
I have not the least doubt of it; if the roads were improved, and good Ghauts of easy access made, waggons and carts would be used instead of pack bullocks.

9018. How many journeys in a year do the pack bullocks make to Bombay from Candeish?
I think two and a half; and then they are taken off, sore on their backs and sore afoot, thin and lean, and sent to recruit in the hills.

9019. By having carts and waggons, they would make more journeys in the year?
Yes; the bullocks would not suffer so much, and the goods would be conveyed without suffering so much injury as at present.

9020. Are there tolls levied on the roads and passes?
Only, I think, on the Bhore Ghaut and the Thull Ghaut.

9021. Do you think that people would object to the payment of tolls?
Certainly not, if there were good roads made.

9022. Sufficient in amount to keep the roads in order?
That, of course, would depend upon the number coming and going. I do not think the people would object to tolls were roads made.

9023. What is your opinion of the effect of the present export and import duties upon the cultivation and the manufactures of India?

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The duties have hitherto tended to destroy the manufactures of India, and they have effectually done so: we can all recollect, or have read, of the day when India was a great exporter of manufactured goods.

9024. Lord *Wynford.*] Would you like to have the import duties increased, for encouraging manufactures in India?

No; I am a free-trader; the manufactures have been ruined. In the words of Dr. Wilson, England made a most shameful use of its power, and destroyed the manufactures of India, in order to benefit those of England; as it did, for the same purpose, the woollen trade of Ireland. Now, it would be impossible to restore them; the manufactures of India do not exist now; but even if they did, I would not, on free-trade principles, give them any encouragement by a duty in their favour. But hitherto they have had, I believe, the reverse of encouragement: there was discouragement, in order to benefit the manufactures of this country. At the present moment a great irregularity exists: English manufactured goods on going to India pay only five per cent., while Indian goods on coming here pay ten per cent.

9025. Earl of *Albemarle.*] It is equal duties that you are advocating?

I advocate equal duties. The raw produce of India which comes into this country, by way of favouring the manufactures of England, pays no duty. In all respects India is sacrificed to this country.

9026. *Chairman.*] But surely, if the English manufactures paying five per cent. are able to drive out the manufactures of India, it shows that those manufactures cannot, under an equal system of taxation, compete with those of England?

It would be difficult for them to compete, under any circumstances, with English manufactures. But many years ago, Indian manufactures coming to this country were met by a prohibitory duty, and we favoured our own manufactures going to India to the exclusion of those of all foreign countries; so that the manufactures of India died under such treatment.

9027. Then you object to a prohibitory duty in this country, excluding Indian manufactures; but you do not object to free competition being allowed to exist between British manufactures and Indian manufactures in India?

Certainly not, to free competition; but at the present moment it is not free, inasmuch as Indian manufactured goods on coming to this country pay ten per cent. duty, and English manufactured goods on being taken to India pay only five per cent., while, with a view to give this country a further advantage, Indian raw produce on coming here pays no duty.

9028. Earl of *Albemarle.*] You are aware that Lord Ellenborough suggested a mode of raising money by loan in order to carry out great public works in India; have you considered that subject?

Certainly; if Lord Ellenborough's plan of paying as much as might be of the debt by a new loan could be carried out, it would no doubt be attended with a saving of a very considerable amount, and that would go a vast way towards supplying means for the improvement of India.

9029. Have you considered the subject of the sale of land in India?

Yes, I have, a great deal; and I have been for many years back an advocate for it.

9030. Upon what conditions?

I would beg to observe, not upon the principle followed on the Bengal side, when Lord Cornwallis introduced the system; but I would offer, for example, to a cultivator, the land which he holds, if he chooses to purchase it, on terms that may be agreed upon, he merely purchasing the Government rent or tax; all other demands on his farm on the part of the village and the village officers remaining, of course, in force. If he is not disposed to purchase it, he may retain it as at present, as a tenant-at-will, or a tenant for a term of years. The whole is summed up in these few words: tracts of land long out of cultivation I would dispose of, subject, of course, to the condition of paying the village its dues.

9031. What would you do with the proceeds of the land so sold?

The proceeds I would expend on the improvement of the country. Sir George Clerk in his evidence, before either this Committee or the Committee of the House

House of Commons, recommended that money should be raised by loan, for expenditure on local improvements in India. Without objecting to that opinion of Sir George Clerk, I should rather endeavour, in this fashion, to raise money to carry out improvements, and at the same time to encourage the formation of a class of men who would owe their existence as freeholders to the British Government. We have nearly pulled down the class of landed proprietors; they are becoming, day by day, under the operation of our laws, extinct. This would be a mode of reviving such a class, and giving to men who have the means of acquiring land in perpetuity the option of so spending their cash, the fruits of their industry or economy. Now, the people of India are, perhaps, the only people in the world who cannot expend their money in purchasing an acre or two of ground which their forefathers have from time immemorial ploughed, by purchasing the Government tax or rent of it; and in fact they cannot in any way invest in landed property, of which they are so exceedingly fond, the proceeds of their economy or success in trade, or agriculture in any shape. There is every encouragement held out to invest money in gold ornaments and other unproductive matters, or on costly marriage feasts, but in fact there is no encouragement to economy; none at least so acceptable and easy of accomplishment as by allowing the farmer to become a freeholder: were some lacs thus raised annually, and spent on the country, the unsold land would be doubly productive.

9032. Lord *Wynford.*] Surely in the North-Western Provinces they can invest their money in a 30 years' lease?

Yes, they can; but a 30 years' lease is as a few hours to a native of India: a native looks to sinking a well, or planting a tree, which his children and his children's children may possess for ever; we are content often with talking of one or two generations; but not so with the people of India, who desire to have a perpetuity for their children's children through all future times: a native line never fails, according to their native customs, because adoption supplies deficiencies.

9033. Earl of *Albemarle.*] To a native of India it is a reproach to be without an heir?

Yes.

9034. Are you of opinion that much advantage would arise from the appointment here and in India of finance committees, similar to that recommended by Lord Ellenborough?

I have not the least doubt that any witness who has appeared before this Committee, or the Committee of the House of Commons, could each and all have told of sums of money that might be saved to the State; each one could point out one or two ways in which economy might be introduced.

9035. What is your own opinion as to the expediency of the Governors making annual tours?

It is highly desirable.

9036. Lord *Wynford.*] Is it not attended with enormous expense?

It need not be so, and I do not know that it should be allowed to be so.

9037. Is it possible for a man in the Governor's situation to move without an immense retinue?

I know that Sir George Clerk, during the period I was much connected with him, not being in very good health, could not go about much; but before I joined him, he ordered horses to be posted, got into a curricle or some kind of conveyance with his military secretary, and drove to Ahmednuggur, that was 74 miles, without any escort: there was nobody else with him. He went over and saw the Judge there, looked at the gaol, fort, arsenal, and public offices, saw the schools and people, and in fact went about much. There is no necessity for a large retinue—it need not be attended with any expense; but it should be a part of the Governor's duty to travel about the country, far and wide, on any salary that may be fixed for him. Had Sir G. Clerk remained the usual period, and enjoyed good health, he would have seen every district ere its close; and recommended various undertakings to the Home authorities, I feel assured.

9038. Earl of *Albemarle.*] Have you anything further to say upon the subject of roads and other public works?

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Feeling the wants of the natives, and the wants of the country, I think too much cannot be said. It is sad to think of what the people have to encounter in taking their farming stock to market 30 or 40 miles over wretched roads, and when they get there, in consequence of the immense numbers of the agricultural classes, not getting more than they would have got at the retail rates in their own village, all the population being agricultural, and there being few manufacturers, and few purchasers except those who are actually people who have raised themselves by means of cultivating the soil. Roads will do much to make India an exporting country, and a vast consumer of England's manufactured goods.

9039. Lord *Wynford.*] You were understood to say in an early part of your evidence that several of the great trunk-roads were actually made, but that with respect to others, great difficulties would be experienced in making them, in consequence of the immense expansion of the rivers during the monsoons, and their contracting afterwards in dry weather, and from other circumstances?

No; I said that the Taptee expanded a good deal at certain seasons; that the last time that that happened was in 1822. But the question put to me was with reference to Candeish, a country presenting peculiar facilities for the construction of roads; it is very undulating, and the little ranges of hills which exist there of course afford means for metalling the roads. In Guzerat, the difficulty is the absence of that material.

9040. Is not a great deal of this a sandy district, where it would be difficult to find material for metalling roads?

There is no sand at all; it is all good hard country; sand is not to be found till you get a good deal north of Malwa, in Rajpootanah.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, Two o'clock.

A P P E N D I X.

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APPENDIX.

APPENDIX A.

(Referred to in the Evidence of Lieutenant-Colonel JOHN PITT KENNEDY, Quest. 7565, p. 14.)

ROAD-MAKING IN THE HILLS.

PRINCIPLES and RULES, having special reference to the New Road from KALKA *vid* SIMLA to KUNAWUR and THIBET. By Major J. P. KENNEDY.

No. I.—PRINCIPLES laid down by Major J. P. KENNEDY, for the guidance of all persons engaged in constructing the Road from KALKA, through SIMLA, to KUNAWUR and THIBET.

EVERY road should have its line as level, and its surface as hard, smooth and non-elastic as circumstances, under the most scientific management, will allow.

The subject of road-making may be divided into two general branches:—

First.—The laying out of the line.

Second.—The construction of the road.

Laying out of the Line.

When the grave charge of initiating the improvement of a district of country, by the construction of roads, is committed to a man of judgment, his first care will be to consider the features of the country, not only within his immediate charge, but far beyond those limits.

He should divide his road projects into three distinct classes. The first and most important containing the lines of general intercourse; the second containing the roads for merely local objects, and communicating with those of the first class; and the third, containing the farm roads communicating with those of the second and first. He should not, upon any account, permit the perfection of his roads of the first class to be in the slightest degree injured for the benefit of those of the second or third classes. His great lines of intercourse must be laid out solely with reference to the general levels of the country, and to the permanent markets, to which producers may afterwards have to convey their goods. If he think only of his own little district at this point of his operations, he will materially injure it, as in that case his general lines will probably not be such as to invite general traffic, and the mercantile interests of his district will be proportionally impeded. The co-operation of the circumjacent neighbourhood is essential to the improvement of any given spot of country, and must be earnestly sought for. Keeping these considerations constantly in view, we may now proceed to the rules applicable to all branches of laying out; viz.:

1st. That the line must never rise or fall unnecessarily; it must go round, or cut through impediments.

2d. That the quantity of ascent or descent, when such is unavoidable, should be divided uniformly over as long a distance of the line as the nature of the ground will permit, and thus the inclination at each particular part will be reduced to the smallest possible rate.

We should recollect that the loads carried along roads must be small in proportion as the inclination of the hills is great; that the steepest hill, in fact, regulates the load.

We must never forget, in laying out a line of road, that on an inclined plane or hill, of which the surface is hard and smooth, when any power holds a heavy body in equilibrium, the power exerted will have the same proportion to the weight as the height of the plane or hill bears to its length; and secondly, that whilst the effect of the load increases, the power of the animal employed to draw it diminishes in proportion as the degree of inclination increases. These two facts should never be absent from the road-maker's mind.

When this subject is fully understood, it will be evident that the ignorance of a person who undertakes to lay out a road may, and very often does, make the transport of commodities amount to many times what it should cost. There is little doubt that the greater number of the hills we generally find on roads might have been either wholly avoided, or their inclination very much diminished, by judicious laying out; and the greatest evil is, that the only wise remedy for such blunders is to make a new piece of road where they exist, and if they are numerous, to change the entire line. The common mode of correction is to cut down in some degree the hill, and to fill up a little the hollow; but this method rarely reduces the inclination as low as the natural features of the ground would allow;

Appendix A.

and it generally costs much more than would be necessary to put the road in its right place by laying it out afresh.

The correction of hills on old roads has been alluded to here, to show the importance of extreme accuracy and sound principles in selecting an original line. Every Superintendent will now understand that if an error be made, it cannot be thoroughly remedied without abandoning that portion of the road where it exists, and taking up a new line, thereby losing the capital already invested, and injuring the speculators whom the road may have brought there; but if there be an error of construction, as for instance, the use of soft materials instead of hard, or the like, all this can be set right without abandoning the old line. The power of getting level roads by cutting through hills and filling up hollows is not disputed; and in laying out a line of railroad this method must be adopted, because the velocity of the steam-carriage will not allow of such rapid curves as a road must take which follows the natural inflexions of our hills; but the expense of such cuttings and embankments is so enormous, that to think of them for the ordinary roads would be quite out of the question. Our necessities frequently require that farm roads should be made, that roads for approaching minor villages, &c. should be made, and that extensive districts of almost unexplored countries should be intersected by numerous lines of general communication. If a costly kind of road be attempted in such cases, the necessary results cannot possibly be produced, because the necessary funds could not be provided; still it is essential that as accurate a regard should be paid to their laying out, as if they were to be immediately constructed on the most perfect models, and that the levels be the very best that the nature of the country will admit of. We must provide from the commencement that every successive operation shall tend to bring them ultimately to a state of the very highest perfection, and that nothing shall ever have to be undone.

False ideas of economy and inadvertence frequently lead to the employment of men who do not understand the principles of these essential operations, although they attempt to execute them, and hence the eternal toiling up and down hill to which they, their neighbours, the public, and future generations are condemned. Most amateur artists are time-killers and money-wasters; but of all the amateurs in the world, the road-maker is the most mischievous; there is no method of avoiding his ingenious contrivances to harass the weary traveller and reduce the profits of industry.

The first thing to be done, when it is determined to open a road between any two points, if they be distant, is to get the maps of the adjacent country, and to become thoroughly acquainted with every inch of the intervening ground in all directions, particularly the course of rivers.

If it be a hilly country, the greatest possible attention must be given to choose the most convenient passes of mountains with reference to their height, and the highest passes of valleys which, in all cases, must be considered as obligatory points of the line. The selection of these, therefore, is to be considered the first and most important point of laying out, and nothing short of mathematical proof of their superiority to all other points ought to satisfy the Superintendent that he has selected the right points.

It is much to be regretted that the Survey Department of India has not furnished the public with that most important class of information, a contour delineation of the hills; the want of which must be remedied by increased industry in all those who are engaged examining the country with a view to the selection of the line.

The most disadvantageous circumstances under which it can be required to lay out a line of road is, where the direction runs at right angles across a line of hills, to the passes of which there are no convenient approaches by means of under-features; this obliges us to resort to the expedient of zig-zags. There is no difficulty in laying out such a road to any required degree of inclination; but when done, it is always dangerous, as it is not possible to avoid very acute angles, which on a declivity are most objectionable. If an animal run away with a carriage in descending such a road, the first turn he reaches will probably finish the mortal career of the whole party.

The rule in such a case must be, to make as few turns as possible; and in general, there need not be more than one on each side of the mountain.

Having obtained a knowledge of the relative heights, as above described, both from maps and by taking lines of section with the level, and having thus selected all obligatory points, we may now proceed to the operation of marking out the exact line between all the points thus selected. This is done by fixing up pickets with flags attached, in the required slope, by means of either the plummet-level or a spirit-level, having a graduated vertical limb. These flag pickets may be placed at intervals of about 100 yards, more or less, according to the bends in the hills, taking care that one is put at every projecting and every retiring angle of the ground, and that from each picket the one on either side is distinctly visible. We proceed thus until the whole line is picketed off, observing to correct this line, if requisite; and it rarely happens that the pickets can be placed precisely in their right permanent position at the first trial.

Having got the long pickets accurately placed, the ground should be distinctly marked at each picket by cutting a cross, or some other convenient sign; and the second operation must be commenced by placing short pickets with the boning rods at intervals of about eight yards between the long pickets.

Third operation. Having placed the short pickets, long lines are then laid to the foot of the pickets, taking care that the lines run round all obstacles, and not over them. When these lines are fixed, some expert labourers, accustomed to the work, may be placed to cut out the lock-spitting exactly to the level of the line.

This

This operation should be done with great accuracy, that there may be no necessity for correction afterwards; and handy men, accustomed to the work, should be employed in lifting the lines and laying them again, as the lock-spit cutters proceed. This lock-spitted line being the sole regulator of the levels, must be examined, and re-examined to ascertain that in every part it has been accurately cut. The person charged with such a work must not spare himself at this point upon any account. Let him then bring every one whose opinion is worth having in the neighbourhood, to visit and criticise what he has done; let him reflect that, by any idleness or stupidity on his part, he passes sentence upon countless generations to suffer inconvenience and unnecessary toil for his omissions. The lock-spitted line, when completed, is not to be considered as anything but a gauge for the general level of the surface of the road. It is not the centre, as some suppose, although, upon a general principle, the nearer the centre line comes to it the cheaper will be the forming of the road, and the more we diverge from it the more costly it will be where the features of the country are of a hilly character.

With the completion of the above described lock-spitted mark, neatly cut along the whole length of the projected road, we shall consider the business of laying out the line to have been executed; and in order the more clearly to separate this most important operation from all others, we shall consider the subsequent picketing, cuttings and marking off the details, as appertaining to the subject of construction.

The average cost of cutting this gauge-line or lock-spit, independent of the preparatory surveying and superintendence, ought not to exceed 4 *s.* or 5 *s.* per statute mile; that is to say, for the actual pay of the labourers employed to execute it; and when completed, it ought to exhibit a perfect level or a perfectly uniform incline between every two of the obligatory or main points, and following every horizontal inflexion of the ground, it ought to stand the test of any instrument, and be pleasing to the eye. The want of accuracy in the laying out of public undertakings is the source of that constant doing and undoing, or playing at blind-man's buff with the work, which we so often see; doubling or quadrupling the proper cost, and leaving most discreditable results. The economy and perfection of the work will be in proportion to the judgment and accuracy applied in the laying out and making of this gauge line, as it gives us the key by which to regulate, with the utmost precision, every subsequent effort of every labourer we employ, and to point out where every spadeful of excavation is to be dug, and permanently deposited with the smallest amount of exertion. We shall next proceed to the subject of

Construction.

As soon as the lock-spitted gauge-line shall have been well considered and criticised, and all necessary corrections completed, it may be widened into a 5-feet track. The next operation is to fix the pickets for the centre of the road.

This will regulate, first, the cost; and, second, the appearance of the work when complete. We must avoid objectionably sharp turns; but we must also studiously avoid heavy cuttings and fillings, and we must make our curves regular. These three points can generally be combined; and they must be combined, otherwise the Superintendent cannot be qualified for his charge. He should never have his eye off the gauge-line, and as each picket is placed, it should be accompanied with a mental calculation as to the quantity of cutting and filling, and consequent cost it will require to bring the road at that point to its proper width and to the level of the gauge or lock-spit. He will bear in mind, that as often as he can place a picket exactly at the lock-spit, without infringing on a principle, he should do so, as then the forming of the road will cost the least possible sum; unless when he has to deal with rock, which requires blasting. He must at all times think of his finances, taking care that the amount of money or labour estimated for the work shall be made to complete it, and he will be justly culpable if it fall short, as this consequence is very rarely attributable to any other cause than unfitness in the Superintendent. The wrong placing of a few pickets may cause a piece of work to cost double or tenfold, nay, a hundred times more than it should cost; and it is clear that the man who can perform the most perfect work at the cheapest rate must at all times earn character in proportion. It is evident that there may be a very great variety of curves made for rounding off the angle which the lock-spitted gauge-line forms in passing a valley or ravine, and that the more the curve is carried out from the angle the better will be that particular part of the road; but it must be recollected that the slight improvement thus effected on one spot is attended with most disproportionate cost; and if a man, deficient in judgment, be placed in direction of such works, he may use very fine arguments as to the utility of gradual curves, and the like, but the result will be, that instead of succeeding to fulfil the object of his employer, by opening in its full length a useful line of intercourse, he will find all his money expended on two or three fantastical embankments. He will leave the district as closely sealed up as he found it, and his employer will be justly disgusted with such costly enterprises. If he desire to serve himself, and to be useful to his neighbours, he will follow, as nearly as possible, the natural features of the ground, unless when there is the most indisputable reason against this; and keeping a watchful eye upon the money chest, he will never sacrifice the general result to any chimera whatever. This cutting and banking mania is the grand source of wasteful expenditure in the construction of our roads.

If, instead of going uniformly along the side of a hill, and making our road with the minimum of cutting and filling; if, instead of this, we seek to torture it into straight lines,

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still keeping to certain predetermined levels, the line of road must be a succession of deep cuttings and high embankments; costly at first, and costly to the last, from their liability to dilapidation.

As soon as the centre line shall have been cautiously picketed out, all the side lines must be measured from it and distinctly rutted out upon the ground, taking care to lift the several shear-sods. These lines will show the verges of the road, the inside and outside of the fences when such are made on the road, and the width of the water-tables, as well as the position of the catch-water drains. Accurate *bonings* must be put in at every picket in the centre line, which will thus be level with the opposite points of the lock-spit gauge, and a correct longitudinal section must be made up between these pickets.

Cross-section lines should likewise be made up to the intended level of the road at every 100 yards, showing the precise fall that the road is to have from the centre to each side, when formed. But in making up longitudinal and transverse sections, it is necessary to observe whether the soil be of such a nature as to answer for the soling, or whether it be of so defective a quality as to require a superstratum to prepare it to receive the broken stones or surface gravel; and a corresponding distinction should be made as to the height to which the section lines should be raised in different places. If the natural soil be of the right quality for soling a road, it would be an unpardonable waste to require that more of the same description of material should be excavated elsewhere, and brought upon it, although we have known such surprising extravagance set forth in specifications. The cross-slope given to a road should vary according to circumstances. If its maintenance and repair be carefully provided for, on level ground a fall of 1 in 24 from the centre of the sides will be sufficient. If there be any doubt as to the future care, the best precaution is, to increase the cross-slope as a security against surface-water, and in all cases it is well to make the cross-slope somewhat greater on declivities than on the level ground, in order that the path of all surface-waters may be directed in the shortest lines to the water-tables; under these different circumstances, the cross-slopes may be made to vary from 1 in 24 to 1 in 12, and they should be accurately proved by the section level.

It is well to know that some authorities on this subject have recommended the cross-slope of roads on declivities to run the whole way from the outside verge to the inside, whilst others advise just the reverse, and not from the centre to each side. The chief object of the first recommendation is, to prevent the corrosion of the outside verge by the surface-water, and that of the second to prevent any accumulation of water in the water-tables, but they both appear to be most objectionable in practice, as they necessarily throw every carriage off its level, and bring an unequal portion of the load on the wheels of one side. They also give a longer run to the surface-waters on the road. No professional man should permit so serious an inconvenience to be inflicted on the public. His ingenuity ought to provide a remedy of a different kind. As soon as the longitudinal and cross-sections have been made up to the right level, the work may be considered in a state to employ large orming parties, who, after this preparation, can scarcely commit errors, if there be any degree of activity in the overseers.

When the road is constructed upon level ground, it is desirable to make two side fences with water-tables outside of these; when it is on sloping ground, one side fence will suffice, the cut face of the bank forms the other.

It is evident that on sloping ground, the Superintendent who desires to execute his work with economy must use every exertion to provide that the quantity of cutting shall, as nearly as possible, agree with the amount required for filling, that he may not be obliged to carry materials either to or from the place where he works.

The materials used for fences, retaining embankments, &c., will depend upon the nature of the soil in a great measure; and the best proof of skill, in this or any other art, is the power of making the most possible out of the circumstances in which we are placed. The man who cannot supply himself from his own vicinity, would fail if he had Guernsey granite and mines of gold at every perch of his progress. When the soil is stony, the fences and faces of embankments would naturally be made of this material, and, when built dry, they should have a slope of one-fourth of their height. If sod work be used, the slope should be increased to one-third of the height; and when a bank of earth or other material is faced without being supported, the slope will depend on the quality of the soil, observing to give the greatest slope to the most friable soil, and it is for the Superintendent to observe the natural slope at which each kind of earth will continue. The best soil that we can meet with in constructing roads is gravel; because, in the first place, it has natural drainage; secondly, when the road has been formed in such a soil, it is both soled and metalled, unless the traffic be of a very heavy description.

In making a road through any spongy or soft soil, it is well to let the work season, after the general drainage and forming have been effected, before proceeding further. When embankments are filled up, a considerable allowance must be made for sinking, and after allowing them to season, they should be again levelled up, If these points be not attended to, or if the work be hurried over, it will look well at first, but afterwards it will show many inequalities and defects that might have been avoided.

The liberal use of a heavy roller is an excellent way of consolidating the surface of a new road, preparatory to opening it to the public, and the difference in the quality of both gravel and stones should be well understood by every road Superintendent. Some stones can be broken with more profit to the workmen at one anna per ton, than others at six annas, and where heavy carriages are in use, the low-priced stone is in general the more costly in the end.

end. We must recollect that the price of breaking the stone forms but a portion of the cost of metalling a road, and the most durable material to be had within any rational limit, as to cost, is at all times the most desirable. Contracts for stoning, therefore, should always specify the precise kind of stones required, and from what quarries they are to be taken; and no one can be considered properly qualified for superintending such works as we are now considering, unless he have acquired a thorough knowledge of the several varieties of rock common in the country, with the different qualities and properties peculiar to each.

When we estimate the cost of a new road, we should divide the whole into three very distinct general heads. The first may include all the expenses of surveying, laying out, forming, draining, fencing, soling, gravelling, and all else preparatory for the stoning. The second head should show the cost of the stoning or metalling, and should detail minutely the quality of the stones required, and the quantity per perch; allowing a larger dimension to the broken stones in the bottom, and a small dimension at the surface. The third, the cost of the masonry, bridges, pipes and tunnels, if any.

It is extremely essential to separate thus the great heads of expense, in order to enable *all persons* to understand the way in which the total cost is made up on different descriptions of work, and, as it were, to get rid of that professional mystery which is generally made to envelope every thing relating to the expenditure of money.

The details here included under the first head are such as are required, with but little variety as to their application, in all projects for new roads, and their cost may be made to vary from 100 to 600 rupees a mile, according to the peculiarities of soil in which we are working. The second head or metalling may be either wholly omitted in certain cases, or it may be adopted to any degree that the circumstances render necessary. For instance, three tons of tender stone, at one or two annas a ton, may be thought applicable for the exigencies of one case, when in another it might be indispensable to apply 12 tons to the perch of the hardest stone to be had, at a cost of perhaps six or eight annas per ton; thus, making the rate for this branch of cost vary, from three or four annas, to 100 annas the perch, according to the means applicable for the construction, and the intensity of the traffic to be expected. The third general head, including pipes and masonry, is also capable of being effected in various degrees of excellence, and at proportional rates of cost, which can only be regulated by comparing the necessity of the work with the funds applicable for its construction.

(signed) J. P. Kennedy, Major.

Simla, June 15, 1850.

No. II.—Hindostan and Thibet Road.

Rules for Superintendents, Overseers, &c.

Officers employed on the survey of the line are to send in reports of their observations at least once a week, addressed to Major Kennedy, at Simla: these reports to be accompanied by sketch, plans and sections. The plans to be on a scale of two inches to one mile. The section horizontal scale to be likewise two inches to one mile, and the vertical section 200 feet to one inch.

2. The maximum incline is not to exceed 3 in 100, or 1 in 33⅓; and every exertion must be made to keep the inclines as much as possible *below* this maximum.

3. The whole line is divided into Superintendent's divisions, and each division to be designated by a letter.

4. The point from which all measurements are to be taken is marked by a picket sunk opposite Mr. Vivian's house, in the Simla bazar.

5. The first division, commencing southward, is denominated the A., or Krole division; the second B., or Simla division; the 3d C., or Mahassoo division; the 4th D., or Muttiana division; the 5th E., or Kotegurh division; the 6th F., or Teranda division; the 7th G., or Chini division; and so on to the end of the line northward.

6. All reports to be made on foolscap paper, and marked at the head of the report with the divisional letter, to which the portion of the line it refers belongs, as well as the territory. It will be folded in four, and docketed on the back by the officer who sends it with the divisional letter, and the substance of the report.

7. All officers will be expected to keep copies of their reports, plans and sections, for the convenience of future reference.

8. All officers employed in surveying the line, as well as officers in charge of divisions, and overseers in charge of sections, and also assistant overseers, will be required to make themselves thoroughly acquainted with the printed paper, containing the "principles of laying out and constructing the works," that a uniform practice may obtain throughout.

9. The working parties are to be kept under the superintendence of their respective mates,

Appendix A.

and each sapper overseer is to be appointed to his distinct and separate charge, consisting of one or more mate's parties, according to the strength of the whole party, as shown in the following Table :—

COMPOSITION of an Overseer's Party for working a Section of 10 Miles of the Line. Two or more Overseers' Sections to constitute a Superintending Officer's District.

SAPPERS.		MATES AND LABOURERS.												REMARKS.
Overseer in Charge of Section.	Assistants in Charge of Sub-Section.	When Working Single Force.		Double Force.		Triple Force.		Quadruple Force.		Quintuple Force.		Sextuple Force.		
		Mates.	Labourers.	Mates.	Labourers.	Mates.	Labourers.	Mates.	Labourers.	Mates.	Labourers.	Mates.	Labourers.	
	1	1	50	1 1	50 50	1 1 1	50 50 50	1 1 1 1	50 50 50 50	1 1 1 1 1	50 50 50 50 50	1 1 1 1 1 1	50 50 50 50 50 50	This composition of the working parties will enable one Sapper Company to furnish overseers for 10 divisions, extending over about 200 miles. It gives us the power to employ efficiently under them from 2,000 to 12,000 men a day. Until the line is opened to six feet wide, the pickets showing each man's working ground must be placed, when working in clay or gravel, at seven yards apart, and in rock at two yards apart. A party working in double force would thus cover upwards of 1½ mile in clay, or about half a mile in rock work; and it is probable that the double force would, in the first operation, be better looked after than a more extensive party. Working our 10 divisions at double force would give us 4,000 labourers. When the widening of the road to its full extent commences, wall building, &c., then the larger forces may be called in with profit. One of the Assistant Overseers should always be a miner.
	1	1	50	1 1	50 50	1 1 1	50 50 50	1 1 1 1	50 50 50 50	1 1 1 1 1	50 50 50 50 50	1 1 1 1 1 1	50 50 50 50 50 50	
	1	1	50	1 1	50 50	1 1 1	50 50 50	1 1 1 1	50 50 50 50	1 1 1 1 1	50 50 50 50 50	1 1 1 1 1 1	50 50 50 50 50 50	
	1	1	50	1 1	50 50	1 1 1	50 50 50	1 1 1 1	50 50 50 50	1 1 1 1 1	50 50 50 50 50	1 1 1 1 1 1	50 50 50 50 50 50	
	4	4	200	8	400	12	600	16	800	20	1,000	24	1,200	

10. During the rainy season the working hours must depend upon the weather, the overseers using their discretion as to the hours for meals. When the weather, however, is fine, every party must be at work at 6 o'clock A.M., the dinner hours to be from 11 till 1, and to leave off work at 6 P.M.

11. As much waste of time occurs in mustering large parties of labourers, when this is not done with care, the overseers are required to put the men at once to work under their respective mates, at the established hour for commencing. The chief overseer will then immediately go round and muster each mate's party separately, noticing the absentees. Thus only one mate's party at a time will be diverted from work for this object.

12. A daily report in the following form will be sent from each party, showing the number of those present, and the quantity of work done during the day, as well as the total number of days' work from the commencement, and the total work done in the section.

Section Division Road Report, day of 1850.

(Territory of)

	Serjeants.	Corporals.	Native Officers.	Native Non-commissioned Officers.	Sepoys.	Mates.	Coolies.	Total.	Road opened in Yards. Lockspitted.	To 5 Feet.	Road completed.	Remarks.
Total brought forward from commencement of work -												
On day of 1850												
TOTAL - - -												

Examined, _____ _____

In charge of Division. Overseer in charge of Section.

These

These reports will show the mileage cost in labour at which each overseer is performing his work, and will afford a good comparative scale of the value of each overseer, and the names of those whose efforts prove them to be most deserving will be forwarded for the favourable consideration of Government.

13. Before the parties are dismissed in the evening, every mate must be informed of the precise point where his squad is to assemble on the following morning.

The distribution of the men, by assigning to each a regular portion of work, marked off by pickets, and sufficient to occupy him for the day, is the most important duty of the overseer and his assistants. By this method a fair principle of task-work can be established; and there is no other remedy against idleness, and consequent waste of the public resources. The omission of this practice frequently makes public works cost from 10 to 20 times the proper amount; and every superintendent and overseer employed in the present works will be held strictly responsible for the execution of this essential rule.

14. The breaking of tools is entirely attributable to the carelessness of the superintendents and overseers, by allowing the weaker tools to be applied to the work of stronger ones. The pickaxe and the hoe are frequently destroyed by attempting to remove heavy stones with them; a labour which ought to be reserved for the crowbar, the sledge and the wedge.

15. The present deficiency of crowbars, sledges, mining tools, &c., will gradually be remedied. In the meantime, overseers must employ the weak tools at the clay and gravelly portions of the work, where, after a 5-feet track has been completed, with convenient passing places 12 feet wide, the width of the road may then be generally increased to 12 feet, with passing places of 18 feet wide at salient and re-entering angles of the ground, and at other convenient places.

16. The ultimate width of the road may be considered at 18 feet throughout, with the exception of difficult cliffs, where the width of 12 feet will suffice. In every part of the road, a retaining wall on the side of the precipice will be requisite to completion, with a parapet raised two feet three inches above the road level. Small weep holes, four inches square, to be constructed under the parapet for the escape of the surface water, at every 50 feet.

17. At every re-entering angle of the ground, and at distances not exceeding 100 yards, substantial cross-drains must be made under the road, of ample dimensions, to carry off all the water that can be expected in the heaviest rains, and in no case are these drains to be of smaller dimensions than four feet high on the outside, and two feet wide, which is sufficient to admit a man to clean or repair them.

18. Great care must be taken in preparing sound foundations for all walls which, when built dry, as retaining walls on the outside or precipice, should have a slope of one-fourth of their height, and a thickness, at their foundation, not less than one-fourth of the height, plus two feet six inches. These retaining walls it is not desirable to make generally more than four feet high, exclusive of parapets, although many emergencies will render much higher walls occasionally requisite.

19. In opening the first five-feet track, where very difficult cliffs occur in the line, temporary tracks may be made, either above or below the proper level, as the nature of the case may permit, taking care, after passing the obstacle, immediately to regain the proper level. By this means an immediate passage can be obtained long before the permanent passage could be made in its proper position. And it is desirable that such temporary passages should be above rather than below the proper level, because, in that case, the progress of the permanent track in its proper position along the cliff will not be impeded by persons passing on the temporary track. These temporary tracks should be suitable for the passage of mules, and they may, in many cases, be made to occupy either the brow of the cliff, which shall ultimately be worked down to the road level, or the foundation of a wall to be subsequently built up to that level.

Simla, June 15th, 1850. (signed) J. P. KENNEDY.

No. III.— Labour Works Department.

Section Division, Hindostan and Thibet Road Return of Labour for the Month of 1850.

Trades.	Names.	Month of 1850.																													Pay Department.				
																															Daily Pay in Annas.	Total Amount during Month.			
																														Total Time Days.		Rupees.	Annas.	Pie.

We, the undersigned, hereby certify that the persons above-named have been present at work for the time specified opposite their respective names.

Overseer in charge of Section.

Superintendent in charge of Division.

I certify that I have paid to the several individuals above-named the sums opposite their names.

Accountant's Pay Clerk.

We certify that the several individuals in the above list were paid the sums opposite their names in our presence by Mr. ——— - Pay Clerk.

Overseer of Section.

Superintendent in charge of Division Work.

FORM of REQUISITION for TOOLS and MATERIALS.

REQUIRED for use at the tunnel on the Hindostan and Thibet road :—

5 seers steel,
4 seers iron,
1 dubba oil.

Simla, 25 September 1850. W. NAPIER.

(Approved) J. P. KENNEDY.

Received the above articles, W. NAPIER.

FORM of BILLS for TOOLS and MATERIALS.

Dr. The Honourable East India Company.

FOR materials on account of the Hindostan and Thibet road :—

			Rs.	*a.*	*p.*
5 seers steel, at	per seer	- - - -	0	0	0
4 seers iron, at	per seer	- - - -	0	0	0
1 dubba oil, at	per seer	- - - -	0	0	0
	TOTAL	- - -	*Rs.* 0	0	0

September 25, 1850. (signed) A. B., Merchant.

Certified that the above weights and prices are correct,

September 25, 1850. (signed) T. GRAHAM, Accountant.

Received the amount of the above bill in Company's rupees —— annas —— pies ——.

(signed) A. B., Merchant.

Certified that the above sum was paid in my presence,

September 25, 1850. (signed) C. D.

APPENDIX B.

(Referred to in the Evidence of Colonel DUNCAN SIMS, Quest. 8770, p. 7[illegible].)

Appendix B.

REPORT from BOARD of PUBLIC WORKS, on the Experiment of employing Convict Labour in the Construction of Public Roads.

No. 707.—DEPARTMENT of PUBLIC WORKS.

LETTER from Captain J. H. BELL, Secretary to the Board of Revenue in the Department of Public Works, to the Chief Secretary to Government.

Sir, Madras, 15 October 1846.

Para. 1. THE Board of Revenue direct me to request you to submit to the Most noble the Governor in Council the accompanying Tabular Statement of the expenditure incurred on the High Western Road during the whole period that convicts were employed on it, from February 1838 until the 7th October 1844, together with the letter with which it was forwarded by Captain Worster, the Superintendent of Government roads.

Dated 17 July 1845.

A.

2. This statement shows the expense in each month throughout the period, and exhibits, in a convenient form, a summary of information regarding the cost of the work.

3. The total amount accounted for in it is *Rs.* 10,04,760. 1., and may be classified generally as follows:—

	Rs.	*a.*	*p.*	Total Convict Expenses. *Rs.*	*a.*	*p.*
Hire of carts and workmen, and cost of materials, paid for	4,36,609	4	6	5,28,296	3	7
Food and clothes of convicts	2,66,576	11	1			
Medical attendance, guards, batta, &c.	2,61,719	8	6			
	Rs. 9,64,905	8	1			
Superintendence and Office Establishment	39,854	8	11			
	Rs. 10,04,760	1	–			

4. Captain Worster has appended to the abstract of expenses a valuation of the earthwork, bridging, metalling, &c., the total of which he makes to be *Rs.* 8,53,474. 12. This is assumed as the amount which the work would have cost had it been executed by free labour; although it cannot be asserted that the valuation is absolutely exact, it must be very nearly so, for the quantities are taken from true measurements, and the prices are about the same as those that are charged for work of the same kind in the districts through which the road passes.

Rs.	*a.*	*p.*
* 4,36,609	4	6
†8,53,474	12	–
4,16,865	7	6

5. The sum* paid for carts hired, workmen and materials, being deducted from this † leaves *Rs.* 4,16,865. 7. 6. for the value of the convicts' labour, and when this again is taken from *Rs.* 5,68,150. 12. 6., which is the total of convict expenses and superintendence, the remainder is found to be *Rs.* 1,51,285. 5., which is the uncompensated cost of the convicts. About 1,500 on the average were employed during 66 months, and 900 for 16 months; and from this it follows, that when they were employed on the High Western Road, each prisoner cost the State only *Rs.* 1. 5. 4. per month.

	Expense.	Work.
	Rs.	*Rs.*
1838	1,49,366	
1839	2,75,193	
	4,24,562	3,07,925
1840	1,94,410	1,64,854
1841	1,46,258	1,59,399
1842	1,21,471	1,08,855
1843	79,638	75,933
1844	38,422	36,508
1840 to 1844	5,80,201	5,45,549

6. In the margin the expense in each year is compared with the value of work done, and from this comparison it appears that it was only in 1838 and 1839, while the work was yet quite new, and the management not perfected, that this excess of expense above valuation existed to a great extent. For this period there was an excess of 27½ per cent., but in the following years the average excess was only 6 per cent.; the result on the whole affording grounds for the opinion, that the employment of prisoners in this manner almost entirely counterbalances the expense of maintaining and guarding them.

7. The Board do not here intend to offer any opinion on the road as a work of engineering, and still less would they enter upon the subject of the best manner of employing or disciplining prisoners. They are desirous to state the economical result of the great experiment that has been made, and it is satisfactory to find that the labour of the convicts has been very nearly as cheap as free labour, a determination very different from that of the Bengal Prison Discipline Committee, but which does not admit of doubt, and which they believe may be attributed not only to the wholesomeness of the country in which the prisoners worked, but also to able superintendence, and good discipline and management.

8. The number of convicts employed at different periods, and the gaols to which they belonged, are shown in the Statement C.

9. Captain

Appendix B.

9. Captain Worster has made out the statement under twelve different heads; some of these did not come under the control of the Board of Revenue; viz. the military pay and batta of the military and medical officers,* the cost of military stores,† batta to military guards,‡ and medicines.§ All these are charges audited in the Military and Medical Departments respectively.

	Rs.	*a.*	*p.*
*	50,015	1	1
†	33,436	14	1
‡	4,414	10	8
§	1,417	7	2
‖	23,334	6	4
¶	23,013	7	4
**	3,667	3	5

10. The sums entered as Superintendent's pay and batta,‖ medical officers' head-money and palanquin allowance,¶ batta to apothecaries and dressers,** include such portion of their salaries and allowances as are properly chargeable to the road, but not their military pay.

11. The head-money was paid to the medical officers on the muster rolls of the convicts attached to their abstracts. The pay of jemidars, overseers, duffadars, maistries and peons, was also passed in the same manner, after examination in this office. The cost of feeding and clothing the convicts, and other expenses, were defrayed by the Collectors within whose districts the work was in progress. The Collectors subsequently furnished the bills to this office, when they were compared with the muster-rolls and accounts of the Superintendent, and from time to time submitted to Government for sanction, as shown in the Statement B., which has been prepared here.

12. The cart hire is the most important item of all, being *Rs.* 4,33,106. 9. 2

13. At first, as ordered in the Minutes of Consultation, No. 1,562, carts were supplied by Collectors at a monthly hire of 14 rupees. The Superintendent afterwards himself entered into agreements with contractors. The rates of hire were reduced to 11 rupees per month; and this was paid only when the proper quantity of material, as agreed upon, was brought from the proper distances, the number of cart-loads demanded per day being regulated by the number of trips. Dated 7 Nov. 1837.

14. Captain Worster, in his letter, observes, that the statement can only be considered an approximation, because certain sums are yet to be deducted on account of arms and stores returned, and articles sold, the value of which has not been ascertained. This affects the statement, however, but very little, as the sum realizable is only about 8,000 rupees. It will have to be carried to the credit of the work, and will reduce the expense from *Rs.* 10,04,760. 1. to about *Rs.* 9,96,760. 1. Dated 17 July 1845.

15. On finally closing the accounts, the discrepancy noted in the Chief Secretary's letter, No. 633, which arose from the Collectors and the Superintendent taking credit for the same expenditures at different dates, has been reduced to *Rs.* 145. 6. 8.,†† in which sum the accounts sanctioned in this department are in excess of those furnished by Captain Worster, and which appears to have been expended since the latter were finally made up. Dated 10 June 1843.

††		*Rs.*	*a.*	*p.*
	Sanctioned in this Department -	9,12,128	8	4
	Reported by Captain Worster under the same Heads of Expenditure - -	9,11,983	1	8
	Difference -	*Rs.* 145	6	8

16. The medical charges are only *Rs.* 28,098. 1. 11., about 5⅓ per cent. of the total expense of the convicts, and very nearly 1⅓ rupee per prisoner per year.

17. The superintendence has cost *Rs.* 39,854. 8. 11., about 4 per cent. on the whole expenditure, a charge certainly very moderate; but it may be more correct to state it as a per-centage on the cost of the road, as distinct from that of the prisoners. Taken in that manner, it will be from 6½ or 8 per cent., if the road be reckoned to have actually cost from 50 to 60 per cent. of the total sum entered in the statement.

18. The whole amount of convict expenses, or *Rs.* 5,28,296. 3. 7., might be taken from *Rs.* 10,04,760. 1., the gross total, and the cost of the road stated at 4,76,464 rupees, but that the guards were somewhat stronger than they would have been had the same convicts remained at their gaols, that a greater quantity of daily food was allowed, and that in the neighbourhood of the gaols their work would have been of some little value, while the expenses of medical attendance, and some other items of outlay, were not counterbalanced by equivalent reductions in the expenses of maintaining the establishments at the gaols, whence they were removed.

19. It is believed that the sum of 5,70,336 rupees, derived, as shown in the margin, is very nearly the true cost of the road, and 2,83,138 rupees, which is the difference between this sum and the value of the work done, very nearly the true amount of saving to Government, arising from the convicts having been so employed.

		Rs.	*a.*	*p.*
Total Actual Cost of feeding and guarding the Convicts		5,28,296	–	–
Deduct, as extra Expenses chargeable to the Road,—				
One-fifth of the Expense of Food -	*Rs.* 53,315			
One-fifth of ditto of Guards - -	39,191			
One-fifth of Medical Charges - -	9,366			
		1,01,872	–	–
Total Cost of Convicts - - - - - - - -		5,28,296	–	–
		4,26,424	–	–
Total Cost of Road - - - - - - - -		9,96,760	–	–
Actual Cost of ditto - - - - - - - -		5,70,336	–	–
Value of Stores, &c. returned - - - - -		8,000	–	–
Total Cost of Road - - - - - - - -		9,96,760	–	–
Total of the Statement - - -	*Rs.*	10,04,760	–	–

20. The

Appendix B.

20. The Board hope that the Most noble the Governor in Council will notice, with approbation, the great exertions bestowed on the work by Captain Worster and his subordinates, Captains Robertson, Jenkins, Burton and the late Lieutenant Slack. Their zeal and industry are especially evinced in the circumstance that no fewer than 392 bridges and tunnels, containing about 8,77,150 cubic yards of masonry, have been built by the convicts. The value of this work, at the usual rates, would be about 1,09,644 rupees, but the expense incurred, in addition to the convict labour, was only *Rs.* 22,813. 12. 10. for bricklayers and maistries, and *Rs.* 3,900. 2. 9. for chunam purchased.

21. Some of the bridges are of considerable size, and they are generally well built, and in good condition, the number of failures and accidents being proportionately very few when it is considered that they were not made by skilful practised workmen, but by fettered convicts, instructed, as the work proceeded, by officers themselves possessed of little experience in the arts of brick-making, lime-burning and building.

22. The wood used as fuel was cut by the prisoners, stone and gravel quarried by them, their tools, stores and fetters repaired under the superintendence of one maistry smith, and many of them became very useful as carpenters and blacksmiths; others were taught to make baskets and ropes, &c., and, as far as possible, the indents on the stores confined to raw material, such as iron.

23. The cost of the convicts who were aged or sick, of those who attended the sick, built and cleaned the temporary gaols and lines for the peons, who dug wells, planted and watered trees, &c., are all charged in the statement; and in comparing the quantity of road work done by the prisoners, it should be taken into account that they did not work on Sundays as ordinary labourers do, and were healthy and well fed and comfortable, so that in these respects few ordinary labourers would match with them. Still there is no doubt that the arrangements made by the officers under whose control they worked were so judicious and well carried into effect as to have secured superior discipline, and a very unusual amount of really hard labour fairly divided.

24. The various reports and letters already before Government render superfluous any particular relation of the progress of the Western Road. In submitting this summary of the accounts of expense attending its construction, it will be sufficient to state that it was ordered originally by Government in Minutes of Consultation, No. 1,562, in which, although the Superintendent was placed under the immediate orders of the Board of Revenue, it was not left to them to instruct him as to the dimensions to be allowed, or the manner in which the work was to be done.

Dated 7 Nov. 1837.

25. These particulars were dictated to him in the orders of Government, and the road was made accordingly, and proceeded without interruption as far as Vellore, 72 miles from the Coum Bridge, and 82 from the Wallajah Bridge at Madras. This portion was nearly complete at the end of the year 1841, the width of the road being from 24 to 30 feet, and its surface formed of laterile jelly, or gravel nine inches thick. The work was carried on in the same manner, and during the year 1842 was entirely finished to 5½ miles beyond Vellore, and the embankments and bridging partially to Amboor.

Minute of Consultation, 7 Nov. 1837.

26. Early in 1843 the Government determined that the road should not be continued on the same costly scale, and that the work should be confined to partial metalling and the bridging necessary to keep the road passable throughout. From Vellore, therefore, to Amboor, excepting for 5½ miles, a less width and thickness of metalling were applied, the former being from 15 to 24 feet, and the latter four to six inches.

27. During the monsoon of 1843, the embankment was carried on nearly to Vaniembaddy. In this and the following year the whole of the bridges, and most of the metalling, were finished up to Amboor, great part of the road being covered with broken granite or trap rock found in the neighbourhood, and much better calculated to resist the wear and tear of carts and cattle than the laterile used in the parts first constructed.

28. In the early part of 1844 the convicts were gradually removed to other works, as it had been decided not to employ them at a distance from their permanent gaols; and, consequent on orders issued on the 19th August 1844, they entirely left the road, which all had quitted on the 7th October.

29. The road was soon after placed under the superintendence of the Chief Engineer, but before that, an estimate had been made of the sum required to construct the bridges, and metal the surface of the road from Amboor to Vaniembaddy, being all that remained to complete the original design, and the communication with the good road which traverses the Salem district, and leads through Mysore, and by the Sumpajee Ghaut to the sea at Mangalore, forming a grand line from the Presidency of Madras, nearly due west across the Peninsula.

30. Of 126 miles from Madras to Vaniembaddy, only 10 miles remain, and the small sum of 28,811 rupees only is wanted now to terminate a work that would have cost, by free labour, nearly nine lacs, and which will actually have cost less than six lacs of rupees. Neither of these sums can be looked upon as too great, if a little attention be paid to the effect which has been produced by this noble work upon the commerce of the country, and to the convenience which it affords.

31. In

31. In 1842 the Board reported to Government that 7,000 carts, entering and quitting Madras by the Western Road, passed over the Cooum Bridge in each week, or 1,000 per day. It was well known then that this number was greater than what had been usual before the work began, but, unfortunately, no account had been taken, and an accurate comparison could not be drawn. It has since been ascertained that the daily average is 1,700.

32. The carts now travel in a day at least 50 per cent. further than they used to do, and this alone is a direct benefit to the community, equivalent to the hire of one-third the number of carts used, or of 566 carts, a sum of 12 rupees each per month, which, in one year, amounts to no less than 81,504 rupees.

33. But there are many collateral advantages. The hire of carts has fallen 25 per cent., although the work done by each pair of bullocks is so much more; and this is not to be attributed entirely to the competition arising from the great demand, or to the greater cheapness of food and commodities in general, but also to the more active employment found by the road being now passable in seasons when it was not so formerly, and when the expense of keeping the cattle was lost from their being idle, and earning nothing during from two to three months in each year.

I have, &c.
(signed) J. H. Bell, Captain,
Secy to the Board of Revenue in the D. P. W.

No. 106.—Public Works Department.

EXTRACT from the Minutes of Consultation, under date the 8th June 1847.

Para. 1. The Most noble the Governor in Council has been gratified by the perusal of the clear, concise and interesting report furnished by the Board of Revenue in the Department of Public Works on the High Western Road, and on the expenses attending its formation. This great work occupied nearly seven years, having been commenced in February 1838, and closed in October 1844, by convicts, of whom, on an average, it is stated 1,500 were employed during 66 months, and 900 for 16 months.

2. The total cost has amounted to *Rs.* 10,04,760. 1., of which *Rs.* 4,36,609. 4. 6. were for cart-hire, materials, &c.; *Rs.* 5,28,296. 3. 7. for convict expenses, and *Rs.* 39,854. 8. 11. for general superintendence.

3. It is unnecessary to follow the Board throughout the details given in their report. It is sufficient to observe that the cost of the road, as computed by them, from the value of the materials and workmanship employed, is *Rs.* 8,53,474. 12., obtained at an expenditure of *Rs.* 10,04,760. 1.; that the difference, *Rs.* 1,51,285. 5., the extra expense to which the Government have been subjected, is properly chargeable to the maintenance of convicts, amounting, on an average, to *Rs.* 1. 5. 4. per month for each prisoner, and that "the labour of convicts has been very nearly as cheap as free labour." The extra expenses arising from the employment of the convicts at a distance from their gaols is, however, not to be overlooked. The Board advert to the guards being somewhat stronger; to the greater quantity of daily food allowed to the convicts while so employed; the expenses of medical attendance, and other items of outlay, not counterbalanced by equivalent reductions in the expenses of the gaols whence the convicts were removed; and lastly, it must be remembered, that the convicts did not work on Sundays, which alone amounted to 10 months; while the expenses of feeding them for that period were brought to account without any returns. But this is the case also with convicts confined in gaols.

Para. 18.

Para. 23.

4. The Board, after apportioning the total expenses fairly chargeable to the different heads, compute the cost of feeding and guarding convicts, which would have been the same had they continued in gaol—

Para. 19.

To - - - - - - - - -	*Rs.* 4,26,424
Actual cost of road - - - - - -	5,70,336
Stores returned - - - - - - -	8,000
	Rs. 10,04,760

The difference between the cost of the road, computed from the materials employed, and the actual cost, excluding convict expenses, they observe, is "very nearly the true amount of saving to Government arising from the convicts having been so employed."

5. The Most noble the Governor in Council is of opinion that the calculations on which the Board of Revenue have entered, and the results they have deduced therefrom, approximate as nearly as possible to the truth, and there is reason to believe that had the work been undertaken by free labour, the actual cost, together with the expense of maintaining convicts in the gaols, with the small returns from out-door work on which they are usually employed, and which should at the same time be duly considered, would have amounted to much more.

6. His Lordship in Council has already, in Extract Minutes of Consultation, dated 18 February

R. D. 185. Para. 4.

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February 1843, expressed his satisfaction at the "testimony borne by the Board of Revenue to the durable construction of the road, and to its continued and growing influence on the progress of the internal traffic of the country as evidenced by the increased transit of wheeled carriages, the improvement in their construction, and the fall in the rate of cart-hire," and he observes that these results are corroborated by the Report under consideration. His Lordship in Council notices, with approbation, the exertions bestowed on the work by Captain Worster and his subordinates, Captains Robertson, Jenkins and Burton, to all of whom he desires this commendation of their services may be duly communicated.

P. W. D., 16 July 1844, Nos. 1 to 7.

7. The employment of convicts in gangs, at a distance from their gaols, has been peremptorily prohibited by the Honourable Court of Directors and the Government of India, chiefly on account of the sickness and mortality which followed the adoption of a similar plan in Bengal; and the Court of Foujdaree Udalut at this Presidency, to whom a reference was made on the subject, seemed to consider the system one "almost entirely subversive of what is called prison discipline." In this respect, the Madras convicts have been peculiarly fortunate; the several periodical Reports* of the Medical Board, from the year 1839 to 1844, show the general healthiness of the road gangs; of this result, however, various opinions were entertained; but it has been finally agreed † upon, both by the Medical Board and the Government, that this was greatly owing to the "able-bodied men being sent out to be employed on the roads, while the aged and infirm are retained; and those, also, who become sickly and weak are returned to the gaols."

J. D., 18 July 1843, Nos. 3 and 4.

* I. 7 Apr. 1840 - No. 91 K. | 8 Nov. 1842 - Nos. 13 & 14.
23 June 1840 - Nos. 8 & 9. | 5 Dec. 1843 - Nos. 1 & 2.†
16 Feb. 1841 - Nos. 3 & 4. | 16 Jan. 1844 - Nos. 20 & 21.†
28 Sept. 1841 - Nos. 1 to 3. | 8 April 1845 - Nos. 26 & 27.
15 Mar. 1842 - Nos. 4 & 5. | 4 Nov. 1845 - No. 15.

	Proportion of Deaths to Numerical Strength.	
	Convicts employed on Road Labour.	Prisoners in Gaols.
First half of 1839 - - -	870	2,665
Second - ditto - - - -	500	2,630
First half of 1840 - - -	927	2,743
Second - ditto - - - -	636	3,310
First half of 1841 - - -	506	2,016
Second - ditto - - - -	1,810	2,737
For the entire of 1842 - -	3,302	6,075
Ditto - - 1843 - -	3,474	6,969
Ditto - - 1844 - -	5,166	3,282
Ditto - - 1845 - -	2,610	7,905

8. In their Report for 1844, the Medical Board observe [4 Nov. 1845, No. 15], that "the general health of the prisoners, both in gaols and in gangs, has been remarkably good throughout the year; and the casualties, as compared with 1843, are considerably reduced. The gangs of convicts were much reduced in numbers, and the strength of prisoners in gaols increased in proportion; from which circumstance, the results of the past year do not appear to be so satisfactory, as regards the system of road labour, as they have been for some years past, or during the employment of the large gangs on the Great Western Road: the proportion of deaths in gangs appearing to be increased, whilst the deaths in gaols are diminished, from the inmates of the prisons being no longer composed of the old and sickly, who were unfit to be employed in gangs at hard labour."

9. On the whole, however, the system of employing convicts in large gangs at a distance from their gaols must be regarded to have succeeded in the experiment of the High Western Road; and the results may, as the Board of Revenue observe, in para. 7, be "attributed, not only to the wholesomeness of the country in which the prisoners worked, but also to able superintendence and good discipline and management;" and, with reference to these circumstances, his Lordship in Council proposes to bring the foregoing letter, and observations thereon, under the notice of the Government of India, in continuation of the letter to their address, dated 11th July 1844, No. 126.

10. His Lordship in Council also resolves to call upon the Board of Revenue to furnish a statement, showing the cost of construction per mile of each of the great roads made under their superintendence, such as the Sumpajee Ghaut, the road on which they have now finally reported; part of the High Northern Road, &c. Information of this character, he observes, will serve as a guide for future estimates of the road department.

(A true Extract.)

(signed) H. C. Montgomery,
Secy to Government.

To the Board of Revenue, D. P. W.

APPENDIX C.

A COPY of the STATISTICAL PAPERS, illustrated by MAPS, relating to INDIA, recently Prepared and Printed for the COURT of DIRECTORS of the EAST INDIA COMPANY. Appendix C.

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NATIVE STATES.

WITH the exception of the Kings of Ava* and Siam,* with whom the East India Company have entered into diplomatic relations, it can scarcely be said that there remains any independent prince in India, unless it be the Rajah of Dholpore† and the Rajah of Tipperah.‡

The Rajah of Nepaul, though not otherwise dependent, is bound by treaty ‖ to abide by the decision of the British Government in the event of any dispute arising between him and his neighbour the Rajah of Sickim; and he is restrained from employing in his service any European or American subject.

Over all the other native states § in India, the paramount authority of the British power has been established, and the relation of ally has in all cases merged into that of superior and dependant.

Under native rule the efforts of contending princes were ever directed, not to the defence of their own rights and a just limitation of the power of others, but to the total subversion of their rivals, and the absorption of their neighbours' dominions into their own. There was sometimes a dominant power, capable in some degree of controlling the country; but the object of such power was the common one of self-aggrandizement at the expense of all around. Moreover, the authority exercised was, in many cases, little more than nominal, more especially in regard to provinces and states at a distance from the chief seat of authority.

Under the system by which this reign of usurpation, tyranny and anarchy has been superseded, the British Government has defined the limits of the several native states, and restricting each within those limits, secures to all the enjoyment of their just rights.

The means by which these desirable objects have been accomplished are *subsidiary and protective treaties.*

Under the *subsidiary* system the British Government provides a regular military force (special ¶ or otherwise) for the protection of the native state, and the native government defrays the cost. With the states not included within that system, the engagements involve the obligation of protection on the part of the paramount power—allegiance on that of the subordinate. In some instances the dependent state is subject to the payment of tribute; in others it is exempt from any pecuniary claim.

Under both subsidiary and protective treaties, native governments relinquish the right of self-defence, as well as that of maintaining diplomatic relations with other states; and the British Government, which guarantees external security and internal tranquillity, is constituted

* Treaty dated in 1826.

† Under the treaty of 1806, the territories of this Rajah are held by him in absolute sovereignty, free from any right of interference on the part of the British Government, which Government is also thereby relieved from any responsibility as to assistance or protection.

‡ This district bears the same name with one contiguous to it in Bengal, with which it must not be confounded. It lies to the eastward of that part of the British dominions, and is a wild jungly tract, with the ruler of which the British Government have never established any diplomatic relations.

§ Treaty dated in 1815.

‖ A treaty (concluded nearly 80 years since) subsists between the British Government and the Rajah of Bootan, but the country of the Rajah may be considered as connected with Thibet, rather than with India.

¶ Under the stipulations of the treaty with the Guicowar, the subsidiary force to be furnished by the British Government is to consist of 4,000 infantry, two regiments of cavalry, and one company of European artillery. In respect to the Nizam's dominions, the subsidiary force is not to be less than 8,000 infantry, two regiments of cavalry, and a complement of artillery. But in regard to Oude, and most of the remaining subsidiary and protected states, the British Government is bound to the defence of the principality against all enemies, and exercises its own discretion as to the requisite number of troops.

Appendix C.

tuted the arbiter of disputes arising between native princes. In one half of the subsidiary treaties, however, and in the large majority of the protective treaties, the British Government engages to refrain from interference in the internal administration of the native state.* The stipulations in other respects vary in the several treaties and engagements, but a prohibition of the employment of Europeans or Americans is a common article, and one binding the native chief to act in "*subordinate co-operation*" with the paramount power is almost universally introduced into the engagements concluded with protected states.

But though debarred from the exercise of military power in respect to external aggression, the native governments are not prohibited from maintaining a separate military force; in some cases they are required to maintain such a force, and which, in the event of war, is to be available to the British Government † against the common enemy. In some instances the number of troops to be maintained is restricted.

In accordance with what is above-mentioned, the native states become divisible into two classes:—first, subsidiary; second, protected.

The states with which subsidiary alliances have been contracted are ten in number:

Cochin;
Cutch;
Guzerat (territory of the Guicowar);
Gwalior (possessions of Scindia);
Hyderabad (territory of the Nizam);
Indore (territory of Holcar);
Mysore;
Nagpore, or Berar;
Oude;
Travancore.

In the following states, contained in the above list, the charge for the maintenance of the subsidiary force has been commuted by cession of territory to the British Government:

	Locality of Ceded Territory.	Date of Cession.
Guzerat (Guicowar)	Districts in Guzerat	1805
	Ahmedabad farm, &c.	1817
Gwalior ‡ (Scindia)	Upper Dooab, Delhi territory, &c.	1803
Hyderabad (Nizam)	Northern circars	1766
	Guntoor	1788
	Districts acquired from Tippoo	1800
Indore (Holcar)	Candeish and other districts	1818
Oude	Benares	1775
	Goruckpore, Lower Dooab, Bareilly, &c.	1801

The Rajah of Nagpore. or Berar. in addition to the cession of territory on the Nerbudda and parts adjacent, pays to the British Government an annual subsidy of 80,000 *l.*

The four remaining subsidiary states pay annual subsidy, as under:

Cochin	£. 24,000
Cutch	20,000
Mysore	245,000
Travancore	79,643

The British Government has reserved to itself the right, in the event of misrule, of assuming the management of the country in the states of—

Cochin, §
Mysore, ‖
Nagpore, ¶
Oude, ¶
Travancore.**

The

* Some notice of this subject will be found hereafter.

† It may here be mentioned that a *subsidiary* force is composed of the regular troops of the British Government; a *contingent* is a force raised and maintained by the native state, though it may be commanded by British officers.

‡ By the treaty of 1817, funds were set apart for the payment of a contingent to be furnished by Scindia, and commanded by British officers. These provisions were modified by treaty in April 1820, and by a new arrangement in 1836. By the treaty of Gwalior, concluded in 1844, certain districts were assigned to the British Government for the maintenance of an increased force, to be commanded by British officers, and stationed within Scindia's territories.

§ In Cochin, in consequence of the mismanagement of the Rajah, the affairs of the state have been conducted since 1839 by a native minister in communication with the British resident.

‖ In respect to Mysore, the administration was assumed by the British Government in 1834, in consequence of the misrule of the Rajah. The claim of the Rajah to be reinstated was deemed inadmissible in 1847, on the ground of his incompetency to govern.

¶ Oude and Nagpore remain under the government of their respective rulers.

** In 1805 the entire management of the state of Travancore was assumed by the British; but in the year 1813, the minor Rajah, upon attaining his 16th year, was admitted to the full enjoyment of his rights.

Appendix C.

tuted the arbiter of disputes arising between native princes. In one half of the subsidiary treaties, however, and in the large majority of the protective treaties, the British Government engages to refrain from interference in the internal administration of the native state.* The stipulations in other respects vary in the several treaties and engagements, but a prohibition of the employment of Europeans or Americans is a common article, and one binding the native chief to act in "*subordinate co-operation*" with the paramount power is almost universally introduced into the engagements concluded with protected states.

But though debarred from the exercise of military power in respect to external aggression, the native governments are not prohibited from maintaining a separate military force; in some cases they are required to maintain such a force, and which, in the event of war, is to be available to the British Government † against the common enemy. In some instances the number of troops to be maintained is restricted.

In accordance with what is above-mentioned, the native states become divisible into two classes:—first, subsidiary; second, protected.

The states with which subsidiary alliances have been contracted are ten in number:

Cochin;
Cutch;
Guzerat (territory of the Guicowar);
Gwalior (possessions of Scindia);
Hyderabad (territory of the Nizam);
Indore (territory of Holcar);
Mysore;
Nagpore, or Berar;
Oude;
Travancore.

In the following states, contained in the above list, the charge for the maintenance of the subsidiary force has been commuted by cession of territory to the British Government:

	Locality of Ceded Territory.	Date of Cession.
Guzerat (Guicowar)	Districts in Guzerat	1805
	Ahmedabad farm, &c.	1817
Gwalior‡ (Scindia)	Upper Dooab, Delhi territory, &c.	1803
Hyderabad (Nizam)	Northern circars	1766
	Guntoor	1788
	Districts acquired from Tippoo	1800
Indore (Holcar)	Candeish and other districts	1818
Oude	Benares	1775
	Goruckpore, Lower Dooab, Bareilly, &c.	1801

The Rajah of Nagpore, or Berar, in addition to the cession of territory on the Nerbudda and parts adjacent, pays to the British Government an annual subsidy of 80,000 *l.*

The four remaining subsidiary states pay annual subsidy, as under:

Cochin	£. 24,000
Cutch	20,000
Mysore	245,000
Travancore	79,643

The British Government has reserved to itself the right, in the event of misrule, of assuming the management of the country in the states of—

Cochin, §
Mysore, ‖
Nagpore, ¶
Oude, ¶
Travancore.**

The

* Some notice of this subject will be found hereafter.

† It may here be mentioned that a *subsidiary* force is composed of the regular troops of the British Government; a *contingent* is a force raised and maintained by the native state, though it may be commanded by British officers.

‡ By the treaty of 1817, funds were set apart for the payment of a contingent to be furnished by Scindia, and commanded by British officers. These provisions were modified by treaty in April 1820, and by a new arrangement in 1836. By the treaty of Gwalior, concluded in 1844, certain districts were assigned to the British Government for the maintenance of an increased force, to be commanded by British officers, and stationed within Scindia's territories.

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¶ Oude and Nagpore remain under the government of their respective rulers.

** In 1805 the entire management of the state of Travancore was assumed by the British; but in the year 1813, the minor Rajah, upon attaining his 16th year, was admitted to the full enjoyment of his rights.

	Colour	Area.		Population.	
Bengal					
Berar or Nagpore		76 452		4 450 000	
Bundlecund		10 626		1 079 800	
Cashmere (Gholab Singh		25 123		750 000	
Cis Sutlej		36 803		2 136 174	
Cuttack Mehals		16 929		761 805	
Hydrabad (the Nizam		95 337		10 666 000	
Malwa (Scindia Holcar &c		57 111		5 464 072	
Nepal		54 500		1 946 000	
N.E. Frontier		33 295		277 445	
Oude		23 738		2 970 000	
Rajpootana		132 391		7 412 226	
Saugor & Nerbudda		32 244		1 850 000	
S.W. Frontier		25 431		1 245 655	
Other Divisions		26 258	582 845	2 301 405	43 009 862
Madras					
Mysore		34 856		3 000 000	
Orissa Jaghires		13 041		391 236	
Travancore		4 722		1 011 824	
Other Divisions		3 183	51 802	349 921	4 752 978
Bombay					
Cutch		6 764		500 656	
Guzerat		16 116		2 768 865	
Other Divisions		10 495	57 375	1 174 000	4 343 521
Total Area and Population of the Native States			691 695		52 106 287

Nº 627-II. Ordered by The House of Commons, to be Printed 16th June 1853.

The other subsidiary states,—

Cutch,	Hyderabad,
Guzerat,	Indore,
Gwalior,	

are not subject to control in their internal administration; yet so oppressive in some instances has been the rule of the chiefs, and, in others, so lawless the habits of the people, that the interference of the British Government has been occasionally rendered absolutely necessary, in some of the above *subsidiary*, as well as in several of the *protected* states. Indeed, a clear necessity must be held to confer the right of such interference in all cases, as the prevalence of anarchy and misrule in any district must be fraught with danger to all around it; while its long continuance would lead to the dissolution of the state itself where it prevailed, and consequently interference would become essential to the effective exercise of that protection which the British Government has engaged to afford.

Besides the native states having subsidiary treaties, there are about 200* others which acknowledge the supremacy of the British Government, and which, by treaty or other engagement, are entitled to its protection. The rulers of these states are of various creeds, as shown in the following list:—

Mussulman;
Hindoo, or orthodox Brahmins;
Mahratta, Boondela, Rajpoot, Jaut, Sikh, Bheel. } all professing Hindooism, with some modifications;

In some of the petty states included in the above enumeration, the chiefs are not absolutely independent, even as to matters of ordinary internal administration. In several states on the south-west frontier of Bengal (Sirgooja, and other districts), civil justice is administered by the chiefs, subject to an appeal to the British agent, while in criminal matters their jurisdiction is still more strictly limited.† Somewhat similar is the position of the southern Mahratta jaghiredars, who are required to refer all serious criminal matters for British adjudication.

In two of the protected states, Colapore and Sawunt Warree,‡ the administration has been assumed by the British Government, and carried on in the names of the native rulers, who are in the position of stipendiaries. In respect to Colapore, the re-transfer of the Government to the minor chief is made dependent upon the opinion which may be entertained by the British Government of his character, disposition and capacity to govern. In Sawunt Warree the heir-apparent, having forfeited his rights, the country, upon the death of the present chief, will be at the disposal of the paramount authority.

In some other states, as those in Kattywar, the Myhee and Rewa Cauntas, and others which are tributary to the Guicowar, or ruler of Guzerat, arrangements have been made, under which the Guicowar abstains from all interference, and the British Government undertakes the management of the country, guaranteeing the Guicowar's tribute. In carrying out such arrangements the British Government has conferred important benefits upon the country by abolishing infanticide, suttee, slave-dealing and the marauding system, termed bharwuttee, § as well as by the introduction of a Criminal Court for the trial of the more serious offences, through the agency of the British resident; the native chiefs of the several states within the jurisdiction of the court acting as assessors.

From the year 1829, when the practice of suttee was abolished throughout the British dominions, the British Government have strenuously laboured to procure its abolition in the native states of India, and to a very great extent have succeeded. This success has been attained without either actual or threatened coercion, resort to such means having been deemed indiscreet and inconsistent; but by vigilant watchfulness for appropriate opportunities, and perseverance in well-timed suggestions, the desired object has been effected in almost every native state where the rite was practised.

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* This number does not include the petty Rajahs in the Cossya and Garrow Hills, those of the Cuttack Mehals, or the chiefs in the province of Kattywar. The addition of these would more than double the number given in the text.

† The power of passing sentence not involving the loss of life is exercised by them; but where the punishment is severe, it is under the control of the British agent, while sentence of death can only be passed by him in cases regularly brought before his tribunal; and each infliction of punishment must be included in a monthly report to the Government.

‡ These two states were long convulsed by internal disorders, which at length burst into a general rebellion.

§ Resort to indiscriminate plunder, with a view to extort the favourable settlement of a dispute with a feudal superior.

NATIVE STATES not under the direct Rule, but within the - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
BENGAL:				*Rs.*	*Rs.*
Allee Mohun or Rajpoor Ali -	Central India (Malwa) - -	708	69,384	35,000	12,000
Amjherra - - - - - -	Central India (Malwa) - -	584	57,232	1,00,000	35,000
Bahadoorgurh - - - -	North-West Provinces (adjacent to District of Delhi).	48	14,400	1,30,000	- -
Berar (*vide* Nagpore).					
Bhawlpore - - - - - -	Cis-Sutlej - - - -	20,003	600,000	14,00,000	- -
Bhopal - - - - - -	Central India (Malwa) - -	6,764	663,656	22,00,000	- -
Bhurtpore - - - - -	Central India (adjacent to City of Agra).	1,978	600,000	17,00,000	- -
Boria (*vide* Jabooa).					
Bullubgurh - - - -	North-West Provinces (adjacent to District of Delhi).	190	57,000	1,60,000	- -
Bundlecund:*					
Adjyghur - - - -	Central India (Bundlecund) -	340	45,000	3,25,000	7,750
Allypoora - - - -	Ditto - - - - -	85	9,000	45,000	- -
Banda - - - - -	Ditto - - - - -	- -	- -	- -	- -
Behree - - - -	Ditto - - - - -	30	2,500	23,000	- -
Behut - - - - -	Ditto - - - - -	15	2,500	15,500	- -
Berounda - - - -	Ditto - - - - -	275	24,000	45,000	- -
Baonee - - - -	Ditto - - - - -	127	18,800	1,00,000	- -
Bhysonda - - - -	Ditto - - - - -	8	2,000	9,000	- -
Bijawur - - - -	Ditto - - - - -	920	90,000	2,25,000	- -
Bijna - - - - -	Ditto - - - - -	27	2,800	8,000	- -
Chirkaree - - - -	Ditto - - - - -	880	81,000	4,60,830	9,484
Chutterpore - - -	Ditto - - - - -	1,240	120,000	3,00,000	- -
Dutteah - - - -	Ditto - - - - -	850	120,000	10,00,000	- -
Doorwae - - - -	Ditto - - - - -	18	3,000	15,000	- -
Gurowlee - - - -	Ditto - - - - -	50	5,000	14,000	- -
Gorihar - - - -	Ditto - - - - -	76	7,500	55,000	- -
Jignee - - - -	Ditto - - - - -	27	2,800	15,000	- -
Jusso - - - - -	Ditto - - - - -	180	24,000	13,000	- -
Jhansi - - - -	Ditto - - - - -	2,532	200,000	6,11,980	74,000
Kampta - - - -	Ditto - - - - -	1	300	1,500	- -
Logasee - - - -	Ditto - - - - -	29	3,500	12,680	- -
Mukree - - - -	Ditto - - - - -	10	1,600	5,000	- -

* The Bundlecund chiefs were reinstated, or confirmed in their possessions, upon the annexation of that province to the British dominions in 1802, when ceded by the Peishwa for the payment of the subsidiary force.

- - - Limits of the Political Supremacy of the East India Company.

Nature of Connexion with British Government.	Military Resources.			REMARKS.
	Artillery.	Cavalry.	Infantry.	
Protected and tributary - -	- -	30	100	Allee Mohun was formerly tributary to the State of Dhar; but the tribute was ceded to the British Government in 1821, in consideration of an annual payment of *Rs.* 10,000, Indore currency.
Protected by the British Government, but tributary to Scindia.	- -	400	600	The sum of *Rs.* 4,000 per annum is contributed by this State towards the support of the Malwa Bheel corps.
Protected, but not tributary -	- -	70	80	
Protected, but not tributary -	- -	3,127	10,048	
Protected, and bound to maintain a contingent force.	117	442	2,457	Under the treaty of 1818, the Nawaub was to furnish a contingent force of 600 cavalry and 400 infantry; but in 1824 the numbers were reduced to 259 cavalry, 522 infantry, and 48 artillery, and placed under European command. The contingent is exclusive of the Nawaub's troops. There is also a feudal force, consisting of 30 artillery, 200 cavalry, and 1,000 infantry.
Protected, but not tributary -	200	1,500	3,700	
Protected - - - - -	- -	100	350	This State is chargeable with the maintenance of a road-police within that part of the district which is traversed by the high road from Delhi to Muttra.
Protected and tributary - -	18	200	1,200	
- - - - - -	- -	- -	75	
- - - - - -	69	167	207	The Nawaub is a descendant of the former governors of Bundlecund. He has no hereditary dominions, but enjoys an allowance of *Rs.* 4,00,000 per annum from the British Government, and maintains a military force as here stated.
Protection on the part of the British Government; submission and allegiance on the part of the Native States; non-tributary - - -	2	25	100	
	1	10	50	The Chief of Behut holds the district of Lohargaon from the British Government, subject to a revenue payment of *Rs.* 1,400 per annum.
- - - - - -	1	40	200	
- - - - - -	- -	50	300	
- - - - - -	- -	11	125	
- - - - - -	4	100	1,300	
- - - - - -	2	15	125	The Jaghiredars of this State relinquished, in 1821, their claim to certain villages, of which possession had been taken by the State of Jhansi, upon payment of an annual tribute of *Rs.* 2,500.
Protected and tributary - -	30	300	1,000	
Protected, but not tributary -	10	100	1,000	
	80	1,000	5,000*	
- - - - - -	- -	8	230	The Petty Raj of Doorwae was formerly tributary to the State of Jhansi; but in 1821 it relinquished its claim in favour of Jhansi to certain villages in lieu of tribute, which was calculated at *Rs.* 3,500 per annum.
Protected, but not tributary -				
- - - - - -	4	35	257	
- - - - - -	3	50	225	
- - - - - -	1	19	51	
- - - - - -	1	8	60	
Protected and tributary - -	40	200	3,000	The annual contribution formerly made by the State of Jhansi towards the support of the late Bundlecund legion has been commuted by territorial cessions.
- - - - - -	—	—	—	
Protected, but not tributary -	- -	14	40	
- - - - - -	—	—	—	

(continued)

* A proposal was made to the Rajah of Dutteah, in 1840, to release him from the condition of the treaty under which he is bound to hold his forces disposable at the requisition of the British Government, upon a contribution being made by him in aid of the support of a British local force. The offer was declined by the Rajah.

NATIVE STATES not under the direct Rule, but within the Limits - - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
BENGAL—*continued.*					
				Rs.	*Rs.*
Bundlecund—*continued.*					
Nowagaon or Nygowan -	Central India (Bundlecund) -	16	1,800	9,100	- -
Nyagaon - - - -	Ditto - - - - -	30	5,000	10,500	- -
Oorcha or Tehree - -	Ditto - - - - -	2,160	192,000	7,01,000	- -
Punna - - -	Ditto - - - - -	688	67,500	4,00,000	10,000
Paharee or Puharee - -	Ditto - - - - -	4	800	800	- -
Puhrah - - - -	Ditto - - - - -	10	1,600	8,000	- -
Paldeo - - - -	Ditto - - - - -	28	3,500	21,000	- -
Poorwa - - - -	Ditto - - - - -	12	1,800	9,500	- -
Sumpthur - - - -	Ditto - - - - -	175	28,000	4,50,000	- -
Surehlah - - - -	Ditto - - - - -	35	4,500	45,000	- -
Tohree Futtehpore - -	Ditto - - - - -	36	6,000	36,830	2,650
Taraon or Turaon - -	Ditto - - - - -	12	2,000	10,000	- -
Burwanee - - - - - -	Central India (Malwa) - -	1,380	13,800	30,000	- -
Cashmere (Gholab Sing's Dominions).	Punjab - - - - -	25,123	750,000	- -	- -
Cooch Behar - - - -	North-Eastern Frontier, Bengal -	1,364	136,400	1,32,000	66,000
Cossya and Garrow Hills:					
The Garrows - - -	Ditto - - - - -	2,268			
Ram Rye - - - -	Ditto - - - - -	328			
Nustung - - - -	Ditto - - - - -	360			
Muriow - - - -	Ditto - - - - -	283			
Molyong - - - -	Ditto - - - - -	110	65,205	- -	- -
Mahram - - - -	Ditto - - - - -	162			
Osimla - - - -	Ditto - - - - -	350			
Kyrim, and other petty Chiefs	Ditto - - - - -	486			
Cuttack Mehals:					
Angool - - - -	Cuttack, in the Province of Orissa	- -	- -	- -	1,550
Autgur - - - -	Ditto - - - - -	- -	- -	- -	6,748
Banky - - - -	Ditto - - - - -	- -	- -	- -	4,162
Berumbah - - - -	Ditto - - - - -	- -	- -	- -	1,310
Dhenkanaul - - -	Ditto - - - - -	- -	- -	- -	4,780
Hindole - - - -	Ditto - - - - -	- -	- -	- -	516
Kundiapurra - - -	Ditto - - - - -	7,695	346,275	- -	3,948
Neelgur - - - -	Ditto - - - - -	- -	- -	- -	3,617
Nursingpore - - -	Ditto - - - - -	- -	- -	- -	1,364
Nyaghur - - - -	Ditto - - - - -	- -	- -	- -	5,179
Runpoor - - - -	Ditto - - - - -	- -	- -	- -	1,313
Talchur - - - -	Ditto - - - - -	- -	- -	- -	974
Tiggreah - - - -	Ditto - - - - -	- -	- -	- -	826
Autmallik - - - -	Ditto - - - - -	648	29,160	- -	450
Boad - - - - -	Ditto - - - - -	1,377	61,965	- -	750
Duspulla - - - -	Ditto - - - - -	162	7,290	- -	620
Koonjerry - - - -	Ditto - - - - -	5,022	225,990	- -	2,790
Mohurbunge - - -	Ditto - - - - -	2,025	91,125	- -	1,001
Deojana - - - - - -	North-West Provinces (near Delhi District).	71	6,390	- -	- -
Dewas - - - - -	Central India (Malwa) - -	256	25,088	4,00,000	- -
Dhar - - - - - -	Ditto - - - - -	1,070	104,860	4,75,000	- -
Dholpore - - - - -	Hindostan (banks of the Chumbul).	1,626	550,000	7,00,000	- -

- - - - - of the Political Supremacy of the EAST INDIA COMPANY—*continued.*

Nature of Connexion with British Government.	Military Resources.			REMARKS.
	Artillery.	Cavalry.	Infantry.	
- - - - - - -	4	12	100	
Protected, but not tributary - - - - - -	- -	7	100	
	100	527	7,283	
Protected and tributary -	18	250	3,000	
- - - - - - -	- -	- -	50	
- - - - - - -	- -	4	99	
Protected, but not tributary	- -	10	50	
	- -	5	40	
- - - - - - -	45	300	4,000	
- - - - - - -	- -	25	75	
Protected and tributary -	12	20	251	Tohree Futtepore was subjected to tributary payment conditionally, on the relinquishment of the village of Kesirpoora by the State of Jhansi.
Protected, but not tributary	3	5	40	
	- -	25	50	
British supremacy acknowledged; Raja to be assisted in defending himself against his enemies.	1,200	1,972	20,418	The military force of Gholab Sing as here stated is exclusive of an irregular force of 2,560 men, which would be furnished by his feudal chiefs. The Maharajah intimated his intention, in September 1848, of reducing his army in another year.
Protected and tributary -	- -	342	108	Under the treaty of 1773, Cooch Behar pays to the British Government one moiety of its annual revenues. In addition to the troops mentioned under "Military Resources," the Rajah keeps up a police force of 107 men.
Protected, but not tributary -	- -	- -	2,282	Irrespective of a police force, amounting to 215 horse and foot.
- - - - - - -	- -	5,000		The Rajahs of the Cuttack Mehals became subject to British supremacy upon the conquest of the Province of Cuttack in 1804. Many years since a Superintendent was appointed, with a view to establish such a control over the conduct of the Rajahs as to prevent the commission of crimes and outrages. The power of the Rajahs and the extent of the interference to be exercised by the Superintendent have not been defined.
- - - - - - -	- -	1,500		
- - - - - - -	- -	1,500		
- - - - - - -	- -	1,500		
- - - - - - -	- -	7,000		
- - - - - - -	- -	250		
- - - - - - -	- -	2,000		
- - - - - - -	- -	500		
Protected and tributary -	- -	1,500		
	- -	7,000		
- - - - - - -	- -	1,500		
- - - - - - -	- -	500		
- - - - - - -	- -	300		
- - - - - - -	- -	500		
- - - - - - -	- -	2,000		
- - - - - - -	- -	500		
- - - - - - -	- -	15,000		
- - - - - - -	- -	8,000		
Protected, but not tributary -	- -	50	150	This Jaghire was conferred by the British Government, partly in 1806 and partly in 1811, and held by the Rajah on condition of military service.
Protected, and bound to furnish a contingent force.	- -	175	500	The Dewas contingent consists of 400 infantry, and now forms a portion of the Malwa united contingent.
Protected - - - -	47	254	798	A contribution of *Rs.* 8,000 per annum is made by the State of Dhar towards the support of the Malwa Bheel corps. A Sebundy force of 200 men is also maintained.
Independent - - - -	40	177	1,600	A feudal force of 150 horse is also at the disposal of the State of Dholpore.

(continued)

NATIVE STATES not under the direct Rule, but within the Limits - - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
BENGAL—*continued.*				*Rs.*	*Rs.*
Furruckabad	North-West Provinces (Lower Dooab).	- -	- -	- -	- -
Furrucknuggur	North-West Provinces (adjacent to Delhi).	22	4,400	- -	- -
Gholab Sing's Dominions; *vide* Cashmere.					
Gwalior (Scindia's Possessions)	Central India	33,119	3,228,512	60,00,000	18,00,000
Hill States:					
Cis-Sutlej:					
Bhagul	Northern India (Cis-Sutlej)	100	40,000	50,000	3,600
Bujee or Beejee	Ditto	70	25,000	30,000	1,440
Bejah	Ditto	5	3,000	4,000	180
Bulsun	Ditto	64	5,000	6,000	1,080
Bussahir	Ditto	3,000	150,000	1,50,000	15,000
Dhamie	Ditto	25	3,000	3,500	720
Dhoorcatty	Ditto	5	200	400	- -
Gurwhal	Ditto	4,500	100,000	1,00,000	- -
Hindoor or Nalagarh	Ditto	233	20,000	80,000	- -
Joobul	Ditto	330	15,000	14,130	2,520
Kothar	Ditto	12	4,000	7,000	1,080
Koonyhar	Ditto	12	2,500	3,500	180
Keonthul	Ditto	272	26,000	33,500	- -
Koomharsin	Ditto	56	12,000	10,000	1,440
Kuhloor	Ditto	150	32,250	1,10,000	- -
Mangul	Ditto	15	1,000	1,000	72
Muhlog	Ditto	50	13,000	10,000	1,440
Manee Majrah	Ditto	80	16,720	60,000	- -
Sirmoor or Nahun	Ditto	1,075	62,350	1,00,000	- -
Hill States:					
Trans-Sutlej:					
Mundi	Jullunder Dooab	759	113,091	3,50,000	- -
Sookeit	Ditto	174	25,926	80,000	- -
Holcar's Possessions (*vide* Indore).					
Hyderabad (Nizam's Dominions)	Hindostan	95,337	10,666,080	155,00,000	35,00,000*

* The cost of the Nizam's Auxiliary Force.

- - - - - of the Political Supremacy of the East India Company—*continued.*

Nature of Connexion with British Government.	Military Resources.			REMARKS.
	Artillery.	Cavalry.	Infantry.	
- - - - - - -	2	106	294	The Nawaub ceded his hereditary possessions to the British Government in 1802, but he receives an allowance of *Rs.* 1,08,000 per annum, and maintains a military force, as here stated.
Protected, but not tributary -	- -	- -	25	
Subsidiary alliance - -	314	6,548	2,760	The revenues of Gwalior amount to 60 lacs of rupees per annum, exclusive of the districts assigned for the payment of the contingent force (18 lacs of rupees). The contingent consists of 8,401 men, commanded by British officers. The military force of the Maharajah, exclusive of the contingent, is not to exceed 9,000 men.
Protected and tributary - -	- -	3,000		
Ditto - - - -	- -	1,000		
Ditto - - - -	- -	200		
Ditto - - - -	- -	500		
Ditto - - - -	- -	- -	300	
Ditto - - - -	- -	100		
Protected, not tributary -	- -	- -	- -	
Ditto - - - -	- -	- -	- -	
Ditto - - - -	- -	- -	300	
Protected and tributary -	- -	- -	- -	
Ditto - - - -	- -	400		
Ditto - - - -	- -	- -	200	
Protected, not tributary -	- -	2,690		The Hill Chiefs were confirmed in their possessions at the close of the Nepaul war in 1815.
Protected and tributary -	- -	1,000		
Protected, not tributary -	- -	- -	400	
Protected and tributary -	- -	50		
Ditto - - - -	- -	500		
Protected, not tributary -	- -	- -	- -	
Ditto - - - -	- -	- -	400	
Protected and tributary -	- -	- -	500	
Ditto - - - -	- -	- -	300	
Subsidiary alliance; bound to maintain a contingent* force.	- -	4,521	12,369	In addition to these troops, the Nizam maintains an irregular force, composed of Arabs, Sikhs, Turks, &c., amounting to 9,811 men. The State is also entitled to the services of 4,749 armed retainers, maintained by the feudal chiefs from revenues assigned by the Government for their support. The total military force of Hyderabad comprises five separate bodies; viz.— 1st. British Subsidiary Force - - 10,628 2d. Nizam's Auxiliary Force - - 8,094 3d. Nizam's Irregulars - - - 16,890 4th. Force of Feudal Chiefs - - 4,749 5th. Miscellaneous force of Arabs, Sikhs, Turks, &c. - - - 9,811 50,172

(*continued*)

* Under the Treaty of 1800, the Nizam's contingent was to consist of 6,000 infantry and 9,000 cavalry; but the *Auxiliary Force*, organized under British officers, and paid by the Nizam, has been substituted for the contingent, and consists of 8,094 cavalry, infantry, and artillery.

The British subsidiary force amounts to 10,628 artillery, cavalry, and infantry.

NATIVE STATES not under the direct Rule, but within the Limits - - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
BENGAL—*continued.*				*Rs.*	*Rs.*
Indore (Holcar's Possessions) -	Central India (Malwa) - -	8,218	815,164	22,17,210	- -
Jabooa - - - - - -	Ditto - - - - - -	1,348	132,104	1,44,536	39,000
Borai or Boree - - -	Ditto - - - - - -	Included in that of Jabooa.	Included in that of Jabooa.	14,000	- -
Jucknowda - - -	Ditto - - - - - -	ditto	ditto	10,000	- -
Jhujur - - - - - -	North-West Provinces (adjacent to Delhi).	1,230	110,700	6,00,000	- -
Jobut - - - - - -	Central India (Malwa) - -	- -	- -	10,000	- -
Jowra - - - - - -	Ditto - - - - - -	872	85,456	8,00,000	- -
Jucknowda (*vide* Jabooa).					
Koorwaee - - - - - -	Ditto - - - - - -	200	19,600	75,000	- -
Loharoo - - - - - -	North-West Provinces (near Delhi).	200	18,000	- -	- -
Macherry (*vide* Alwur, *under* Rajpoot States).					
Munneepoor - - - - -	North-Eastern Frontier (Bengal)	7,584	75,840	- -	- -
Nagpore or Berar - - -	Deccan - - - - - -	76,432	4,650,000	49,08,560	8,00,000
Nepaul - - - - - -	Northern India - - -	54,500	1,940,000	32,00,000	- -
Nizam (*vide* Hyderabad).					
Nursinghur (*vide* Omutwarra).					
Omutwarra:					
Rajghur - - - -	Central India (Malwa) - -	1,348	132,104	2,00,000	*Vide* next column.
Nursinghur - - - -	Ditto - - - - - -			2,75,000	
Oude - - - - - -	North-West Provinces - -	23,738	2,970,000	144,73,380	- -
Patowdee - - - - - -	North-West Provinces (near Delhi District).	74	6,660	50,000	- -
Rajghur (*vide* Omutwarra).					
Rajpoor Ali (*vide* Allee Mohun).					

- - - - - of the Political Supremacy of the EAST INDIA COMPANY—*continued.*

Nature of Connexion with British Government.	Military Resources.			REMARKS.
	Artillery.	Cavalry.	Infantry.	
Subsidiary alliance; bound to retain a body of 3,000 horse ready to co-operate with the British troops.	642	3,145	3,821	This force is inclusive of the contingent of cavalry, which Holcar is bound to furnish. This prince contributes *Rs.* 11,000 per annum towards the maintenance of the Malwa Bheel corps, and also a further sum in aid of the United Malwa contingent.
Protected by the British Government, but tributary only to Holcar.	- -	40	125	These troops have probably been absorbed into the Malwa Bheel corps, for the support of which Jabooa contributes *Rs.* 3,500 per annum.
Protected, but not tributary -	- -	15	30	
Ditto - - - - -	- -	15	25	
Ditto - - - - -	180	1,280	1,700	The Jaghire of Jhajjur was conferred by the British Government on the Nawaub, on condition of furnishing 400 horse when required.
Ditto - - - - -	- -	15	25	
Protected by the British Government, but tributary to Scindia.	50	60	740	
Protected, but not tributary -	- -	40	150	
Ditto - - - - -	- -	60	260	The Chief of Loharoo is bound to furnish, on occasions of exigency, a party of 50 troopers to the British Government.
Ditto - - - - -	452	- -	3,158	
Subsidiary alliance - -	372	2,424	4,163	The Rajah is bound by treaty to furnish 1,000 horse to serve with the British army in time of war. His military force, as here stated, is exclusive of a police corps of 2,274 men.
This State is not under British protection, but the Rajah is bound by treaty, to abide, in certain cases, by the decision of the British Government, and prohibited from retaining in his service subjects of any European or American State.	1,100	- -	8,400	In addition to this body of infantry there is an irregular force of 5,000 men, and a police corps amounting to 2,000 men. An accredited Minister from the British Government resides at the Court of Nepaul, with an escort of 94 rank and file, officered and paid by the British.
These two States are protected by the British Government, but are tributary to Scindia and Holkar - - -	10 20	50 150	150 350	
Subsidiary alliance;* subsidy being commuted by territorial cessions.	5,304	4,088	44,767	By the treaty of 1837, the limit on the number of troops to be maintained by the King was removed, and his Majesty may employ such a military establishment as he may deem necessary for the government of his dominions, power being reserved to the British Government to insist upon reduction in case of obvious excess. A police corps of 100 horse and 460 foot is also maintained by the King of Oude for the protection of the British frontiers of Goruckpoor and Shahjehanpoor, bordering on the territory of Oude.
Protected, but not tributary -	- -	75	280	

(*continued*)

* The obligation of the British Government, under the treaty of 1798, to maintain a force of 10,000 men in Oude, was superseded by the treaty of 1801. Under the provisions of the latter treaty, the British Government are bound to the defence of the kingdom against all enemies, but exercise their own discretion as to the requisite number of troops. The strength of the British subsidiary force in Oude amounts at the present time to 5,578 men.

NATIVE STATES not under the direct Rule, but within the Limits - - - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
BENGAL—*continued.*					
				Rs.	*Rs.*
Rajpoot States:					
Alwur* or Macherry, including Tejarra.	Rajpootana - - - -	3,573	280,000	18,00,000	- -
Banswarra - - - -	Ditto - - - - -	1,440	144,000	95,000†	25,000
Bikaneer - - - -	Ditto - - - - -	17,676	539,250	6,50,380	- -
Boondee - - - -	Ditto - - - - -	2,291	229,100	5,00,000‡	40,000
Doongerpore - - -	Ditto - - - - -	1,000	100,000	1,09,000	*Vide* column "Remarks."
Jessulmere - - - -	Ditto - - - - -	12,252	74,400	84,720	- -
Jyepore or Jyenagur - -	Ditto - - - - -	15,251	1,891,124	45,83,950§	400,000
Jhallawur - - - -	Ditto - - - - -	2,200	220,000	15,00,000	80,000
Joudpore - - - -	Ditto - - - - -	35,672	1,783,600	17,52,520	2,23,000¶
Kerowlee - - - -	Ditto - - - - -	1,878	187,800	5,06,900**	- -
Kishengurh - - -	Ditto - - - - -	724	70,952	—	—

* An experiment of great interest, not only to Alwur itself, but to the States of Rajpootana generally, and even to the British Government, was commenced in this principality a few years since, and is still in progress. The Rajah, becoming dissatisfied with the administration of the old and hereditary servants of the State, called to his assistance some of the revenue and judicial officers from the British service, the principal of whom had filled the office of sheristadar under different commissioners at Delhi, and subsequently became the head native officer under the sessions judge. This person was appointed Dewan of Alwur, and others brought up in the same departments with himself were selected to perform, under his control, the duties of all the civil offices of the Government. By the exertions of this minister many important reforms have been effected. The revenue farming system has been abolished; the practice has been introduced of supporting the military establishments by cash payments, instead of assignments of land; a vigilant examination of accounts has been adopted, and by these means the revenue, which previously fell short of the expenditure to the extent of two lacs of rupees per annum, has been increased to three-and-a-half beyond former collections. Revenue and police duties have been separated, and the administration of justice has been divided into civil and criminal departments.

† Irrespective of the revenues of feudal grants and religious endowments.

- - - - - of the Political Supremacy of the East India Company—*continued.*

Nature of Connexion with British Government.	Military Resources.			REMARKS.
	Artillery.	Cavalry.	Infantry.	
Protected, but not tributary -	- -	4,000	11,000	By an engagement dated in 1826, the Chief of Alwur ceded to his cousin Bulwunt Singh the territory of Tejarra, which, however, has now lapsed to Alwur on the failure of direct heirs. The Chief of Alwur, in the event of war, is bound by treaty to assist the British Government with his whole force.
Protected and tributary -	- -	150	225	By the treaty of 1818, the tribute was not to exceed three-eighths of the annual revenue. In 1831 it was fixed for a specified number of years at *Rs.* 25,000.
Ditto - - - - -	- -	1,581	2,100	The military force is irrespective of the quotas to be furnished by the Feudal Chiefs, amounting to 1,500 horse, but inclusive of a mounted police, numbering 535 men.
Ditto - - - - -	150	1,000	520	Irrespective of a police force of 2,000 men, and also of an irregular feudal force of 2,500. The tribute payable by Boondee under treaty was *Rs.* 80,000, but among the items comprising that sum is *Rs.* 40,000 on account of Patun; but as this district was not relinquished to Boondee, the tribute was diminished accordingly. It has been subsequently proposed to transfer Patun to Boondee.
Ditto - - - - -	- -	125	200	This force is exclusive of a police force, amounting to 100 men. The tribute is not to exceed three-eighths of the annual revenue.
Protected, but not tributary -	30	754	252	
Protected and tributary -	692	2,096	18,377	The military force here stated is exclusive of the troops maintained by the Feudatory Chiefs, amounting to 5,690 men, and exclusive of the garrisons of forts, amounting to 5,267.
Protected and tributary -	500 ‖	450	3,010	There is also a police force of 1,500 men in Jhallawur. This State was formed in 1838 out of the Kotah dominions, as a separate principality for the prime minister (*vide* Kotah).
Protected and tributary, both to Scindia and to the British Government.	- -	2,630	5,850	This force is irrespective of the Joudpore legion, which was embodied in 1847, in lieu of the Joudpore contingent, and consists of— Artillery - - - - - 31 Cavalry - - - - - 254 Infantry - - - - - 739 Bheel Companies - - - 222 1,246 Men, commanded by British officers. There is also a force of 2,000 men maintained by the Feudal Chiefs.
Protected, but not tributary -	- -	248	546	The State of Kerowlee was formerly tributary to the Peishwa, but the tribute has been remitted by the British.
—	—	—	—	

(*continued*)

‡ Irrespective of feudal estates and religious endowments.

§ The revenue, as here stated, is independent of feudal jaghires and charitable endowments, producing 40,00,000 more. The amount of tribute payable by Jyepore under the treaty of 1818, viz. *Rs.* 8,00,000, was reduced in 1842 to *Rs.* 4,00,000.

‖ It was stated in 1848, that the military force of Jhallawur was about to undergo considerable reduction.

¶ Annual tribute formerly paid to Scindia, but transferred by that prince to the British Government - - - - *Rs.* 1,08,000
Annual payment towards expense of Joudpore legion in lieu of contingent - - - - - - - - - 1,15,000
Rs. 2,23,000

The amount received under the first head, viz. *Rs.* 1,08,000, is applied by the British Government to the maintenance of Scindia's contingent, under the stipulations of the treaty of 1844.

** This amount of revenue is inclusive of feudal jaghires and charitable endowments.

NATIVE STATES not under the direct Rule, but within the Limits - - - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
BENGAL—*continued.*				*Rs.*	*Rs.*
Rajpoot States—*continued.*					
Kotah* - - - - -	Rajpootana - - - -	4,339	433,900	28,00,000	3,84,720
Odeypore or Mewar - -	Ditto - - - - -	11,614	1,161,400	12,50,000	2,00,000 †
Pertabgurh and Dowlea -	Ditto - - - - -	1,457	145,700	1,75,000	57,874‡
Serohee - - - -	Ditto - - - - -	3,024	151,200	74,060	⅜ths of Annual Revenue.
Rampore - - - - -	North-West Provinces (Bareilly)	720	320,400	10,00,000	- -
Rutlam - - - - -	Central India (Malwa) - -	936	91,728	4,50,000	66,150
Saugor and Nerbudda Territories:					
Kothee - - - -	Central India (Saugor and Nerbudda).	100	30,000	47,000	- -
Myheer - - - -	Ditto - - - -	1,026	100,000	64,500	- -
Ocheyrah - - - -	Ditto - - - -	436	120,000	66,320	- -
Rewa and Mookundpore -	Ditto - - - -	9,827	1,200,000	20,00,000	- -
Sohawul - - - -	Ditto - - - -	179	80,000	32,000	- -
Shahgurh - - - -	Ditto - - - -	676	30,000	- -	- -
Scindia's Dominions (*vide* Gwalior).					
Seeta Mow - - - -	Central India (Malwa) - -	208	20,384	90,000	47,250
Sikh Protected States: §					
Boorea (Dealgurh) - -	Cis-Sutlej - - - -	80	11,920	50,000	- -
Chickrowlee (Kulseah) -	Ditto - - - - -	63	9,387	1,65,000	- -
Furreedkote - - -	Ditto - - - - -	308	45,892	45,000	- -
Jheend - - - -	Ditto - - - - -	376	56,024	3,00,000	- -
Mulair Kotla - - -	Ditto - - - - -	144	21,456	3,00,000	- -
Mundote - - - -	Ditto - - - - -	780	116,220	- -	- -
Nabha - - - -	Ditto - - - - -	541	80,609	4,00,000	- -
Puttiala - - - -	Ditto - - - - -	4,448	662,752	- -	- -
Rai Kote - - - -	Ditto - - - - -	6	894	5,500	- -

* The British Government had guaranteed the succession to this principality in the family of the Rajah, and the administration of affairs in that of his minister In order to avert civil war, and to put an end to the anomalous relation between the two families, the British Government in 1838 formed, out of the Kotah dominions, a separate principality for the minister, under the designation of Jhallawur.

Annual Tribute - - - - - - - - - - - - - -	*Rs.* 1,84,720
Expenses of Contingent - - - - - - - - - - - -	2,00,000
	Rs. 3,84,720

The tribute formerly paid by Kotah to the Mahratta Chiefs was transferred to the British Government by the treaty of 1817, when Kotah was taken under British protection; but upon the division of the Kotah territory, the amount was reduced from *Rs.* 2,64,720 to the sum above stated; the balance of *Rs.* 80,000 being paid by Jhallawur.

- - - - - of the Political Supremacy of the East India Company—*continued.*

Nature of Connexion with British Government.	Military Resources.			REMARKS.
	Artillery.	Cavalry.	Infantry.	
Protected and tributary -	601	710	2,140	Irrespective of the Kotah contingent, which consists of Cavalry - - - - - - 283 Artillery - - - - - - 66 Infantry - - - - - - 799. 1,148 Men, commanded by British officers. There is also a police force consisting of 2,000 men.
Ditto § - - - -	- -	1,200	4,200	This State contributes also towards the maintenance of the Malwa Bheel corps. The corps was raised in 1841. Its estimated annual cost was *Rs.* 1,20,000, of which sum *Rs.* 70,000 is chargeable to the British Government, and the residue, *Rs.* 50,000, to Odeypore. The actual expense has usually fallen somewhat short of the estimate. The corps, consisting of 1,054 men, was raised for the pacification of the wild tracts of Joudpore, and complete success has been the result.
Protected by the British Government, but tributary to Holcar.	- -	250	300	There is also a police force in Pertabgurh, consisting of 200 men.
Protected and tributary -	- -	200	600	These troops, as well as the force maintained by feudatories, amounting to 905 cavalry and 5,300 infantry, are employed also in revenue and police duties.
Protected, but not tributary -	60	497	1,387	
Protected by the British Government, but tributary to Scindia.	10	225	600	Under an arrangement made in 1819, the tribute due to Scindia is collected by the British Government, and paid over to that prince.
Protected, but not tributary -	1	10	50	
Ditto - - - -	14	25	300	
Ditto - - - -	—	—	—	
Ditto - - - -	29	842	7,291	
Ditto - - - -	—	—	—	
Ditto - - - -	8	150	800	
Protected by the British Government, but tributary to Scindia.	- -	130	225	The tribute is collected by the British Government, and handed over to Scindia.
Protected, but not tributary -	- -	20	50	
Ditto - - - -	- -	75	50	
Ditto - - - -	- -	60	100	
Ditto - - - -	- -	250	500	
Ditto - - - -	- -	168	200	
Ditto - - - -	- -	100	60	
Ditto - - - -	- -	400	500	
Ditto - - - -	- -	1,500	1,500	This force is irrespective of a feudal force of 60 men, and also of a police corps of 500 foot.
Ditto - - - -	- -	12	20	

(*continued*)

† The amount of tribute payable by Odeypore was not to exceed three-eighths of its annual revenue; but in 1848 it was reduced by the British Government to the sum above specified.

‡ The tribute is received by the British Government, but paid over to Holcar.

§ The Sikh States were taken under British protection by treaty with Runjeet Sing, ruler of the Punjab, dated 25th April 1809. All but those above mentioned have been deprived of independent authority, in consequence of failure in their allegiance during the war with the Sikhs.

NATIVE STATES not under the direct Rule, but within the Limits - - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
BENGAL—*continued.*				*Rs.*	*Rs.*
South-West Frontier of Bengal:					
Bombra	Orissa	1,244	55,980	10,000	340
Bonei	Ditto	1,057	47,565	6,000	200
Bora Samba	Ditto	622	27,990	4,000	160
Burgun	Ditto	399	17,955	10,000	320
Gangpoor	Ditto	2,493	112,185	10,000	500
Jushpore	Ditto	617	27,765	10,000	Included in Sirgooja.
Keriall or Koren, including Bhokur.	Ditto	1,512	68,040	20,000	1,095
Korea	Ditto	2,225	100,000	10,000	1,600
Nowagur or Bindra Nowagur	Ditto	1,512	68,040	5,000	400
Odeypore	Ditto	2,306	133,748	15,000	Included in Sirgooja.
Patna	Ditto	1,158	52,110	25,000	600
Phooljee	Ditto	890	40,050	6,000	440
Rhyghur	Ditto	1,421	63,945	20,000	170
Sarunghur	Ditto	799	35,955	6,000	1,400
Singboom	-	-	-	4,000	107
Kursava (States in British District of Singboom.)	Ditto	Included in British District of Singboom.	Included in British District of Singboom.	6,000	-
Serickala	-	-	-	10,000	-
Sirgooja	Ditto	5,441	316,252	50,000	3,200
Sohnpoor	Ditto	1,467	66,015	60,000	6,400
Suetee	Ditto	268	12,060	4,000	240
Sikkim	Northern India	1,670	61,766	-	-
Tijarra (*vide* Alwur, Rajpoot States).					
Tonk, and other Dependencies of Ameer Khan; viz.: 1. Chuppra. 2. Nimbera. 3. Perawa. 4. Rampoora. 5. Seronje.	Central India	1,864	182,672	8,20,000	-
Tipperah	Eastern India, adjacent to Burmah.	7,632	-	-	-
Tuleram (Senaputty's Territory)	Eastern India (Assam)	2,000	30,000	-	-

MADRAS NATIVE STATES, not under the direct Rule, but within - - -

MADRAS:					
Cochin	Coast of Malabar	1,988	288,176	4,86,000	2,40,000
Jeypore, and the Hill Zemindars	Orissa	13,041	391,230	-	16,000
Mysore	Southern India	30,886	3,000,000	69,31,870	24,50,000
Poodoocottah (Rajah Tondiman's Dominions).	Southern India (Madura)	1,165	61,745	-	-
Travancore	Southern India	4,722	1,011,824	41,58,075	7,96,430

- - - - - of the Political Supremacy of the East India Company—*continued.*

Nature of Connexion with British Government.	Military Resources.			REMARKS.
	Artillery.	Cavalry.	Infantry.	
Protected and tributary - -	- -	- -	- -	
Ditto - - - -	- -	- -	- -	
Ditto - - - -	- -	- -	- -	
Ditto - - - -	- -	- -	- -	
Ditto - - - -	- -	- -	- -	
Ditto - - - -	- -	- -	- -	
Ditto - - - -	- -	- -	- -	
Ditto - - - -	- -	- -	- -	
Ditto - - - -	- -	- -	- -	These States are comprised within the Territory ceded to the British by the Rajah of Nagpore, under the Treaty of 1826.
Ditto - - - -	- -	- -	- -	
Ditto - - - -	- -	- -	- -	
Ditto - - - -	- -	- -	- -	
- - - - - -	- -	- -	- -	
Ditto - - - -	- -	- -	- -	
- - - - - -	- -	- -	- -	
Ditto - - - -	- -	- -	- -	
Ditto - - - -	- -	- -	- -	
Protected, but not tributary -	- -	- -	- -	The area of Sikkim, as here given, is independent of the Terrai, a portion of territory of which the Rajah was deprived in 1850, in consequence of outrages committed against British subjects. The Rajah was, at the same time, mulcted of the annual sum of *Rs.* 6,000, which had been granted to him as compensation for the territory of Darjeeling.
Ditto - - - -	—	—	—	
Independent - - -	- -	- -	- -	This district is hilly, much covered with jungle, and very thinly inhabited.
Protected, but not tributary -	- -	- -	- -	This prince receives a pension of *Rs.* 600 per annum, in consideration of the cession of certain territory; and makes an annual present of elephants' teeth to the British in token of allegiance.

- - - the Limits of the Political Supremacy of the East India Company.

Subsidiary alliance - -	- -	- -	- -	In Cochin, in consequence of the misrule of the Rajah, the affairs of the State have been conducted, since 1839, by a native minister, in communication with the British resident. The result has been highly successful.
Protected and tributary -	—	—	—	
* Subsidiary alliance - -	- -	- -	2,472	In addition to this force, the Rajah, by treaty dated in 1807, is bound to maintain a body of 4,000 horse; but owing to the state of the finances, the strength of the contingent amounted, in May 1847, only to 2,702.
Protected, but not tributary -	- -	- -	- -	In 1845 the British resident divested himself of all interference in the State of Poodoocottah, except the control of unusual expenditure.
Subsidiary alliance - -	- -	- -	- -	In 1805 the entire management of the State of Travancore was assumed by the British; but in the year 1813 the administration was restored to the Rajah upon his attaining his 16th year.

* On the subjugation of the Mahomedan dynasty in 1799, the British Government restored a Hindoo prince to the throne of his family, from which it had been expelled by Hyder Ali. But the Rajah's misgovernment having forced the inhabitants into rebellion, the British Government, in accordance with the treaty, set aside the administration of the Rajah, and assumed the management of affairs in 1832.

BOMBAY NATIVE STATES, not under the direct Rule, but within - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
BOMBAY:				*Rs.*	*Rs.*
Balasinore - - - - - -	Guzerat - - - - - -	258	19,092	41,548	10,000
Bansda - - - - - -	Ditto - - - - - -	325	24,050	47,000	7,800
Baroda (Dominions of the Guicowar).	Ditto - - - - - -	4,309	325,526	66,87,440	- -
Cambay - - - - - -	Guzerat - - - - - -	500	37,000	3,00,000	60,000
Colapore, including its Dependencies; viz.:—	Southern Mahratta country -	3,445	500,000	5,50,000	- -
Bhowda - - - -	- - - - - -			51,662	- -
Inchulkunjee - - -	- - - - - -			75,000	- -
Khagul - - - -	- - - - - -			72,760	- -
Vishalgur - - - -	- - - - - -			1,23,146	- -
113 Surinjams, or minor dependencies.	- - - - - -			6,31,628	—
Cutch - - - - - -	Western India - - - -	6,764	500,536	7,38,423	2,00,000*

* This amount of tribute is subject to reduction in the event of a reduction of the British subsidiary force.

- - - the Limits of the Political Supremacy of the East India Company.

Nature of Connexion with British Government.	Military Resources.			REMARKS.
	Artillery.	Cavalry.	Infantry.	
Protected and tributary - -	- -	8	50	This force is not superintended or controlled, as to discipline, by British officers. It is kept up at the Nawaub's cost, and employed indiscriminately in revenue and police duties.
Ditto - - - -	- -	- -	77	Ditto - - - ditto.
* Subsidiary alliance - -	63	5,942 †	3,054	† This force includes a contingent of 3,000 cavalry, which acts with the British subsidiary force, but is supported at the Guicowar's expense, and paid and equipped agreeably to the suggestions of the British Government. There is also another body of troops (the Guzerat Irregular Horse) consisting of 756 men, paid by the Guicowar, but commanded by British officers, and stationed in the British district of Ahmedabad. In addition to the foregoing there is a police force, consisting of 4,000 men. The military force in Guzerat is thus composed of— 1st. British subsidiary force - 4,000 infantry. 2 regts. caval. and 1 comp. artil. 2d. Guicowar's Regular Troops 6,059 3d. Guicowar's Contingent - 3,000 cavalry. 4th. Guzerat Irregular Horse - 756 5th. Police Corps - - - 4,000
Protected and tributary - -	- -	200	1,500	In addition to the tribute of *Rs.* 60,000, as rated in the schedule to the treaty of Bassein, the Nawaub pays to the British Government half the Customs duties of the port of Cambay. The military force of the Nawaub is employed in revenue and police duties.
Protected; now under the management of the British Government.	27	450	3,848	The Colapore force here specified consists of native troops uncontrolled as to discipline, and are assembled under the orders of the Political Superintendent whenever required. There is, however, an efficient force (the Colapore Local Corps) commanded by British officers, and consisting of— Cavalry - - - - - 303 Infantry - - - - - 604 907
- - - - - -	- -	16	468	
- - - - - -	- -	50	1,051	
- - - - - -	- -	25	672	
- - - - - -	- -	5	164	
				The military force of the four Feudal Chiefs is shown under "Military Resources." They are bound to furnish a contingent for their feudal superior, consisting of— Cavalry - - - - - 246 Infantry - - - - - 580 826
				Besides the above, there is a regular police corps of 674 men, and a body termed extra fighting-men, available for police duties, amounting to 3,113 men.
Subsidiary alliance - -	- -	- -	- -	The Rao of Cutch maintains a body of irregular horse for the protection of his own country, in no way subject to the control of the British Government.

(*continued*)

* By the treaties of 1805 and 1817, the subsidiary force to be furnished by the British Government is to consist of 4,000 infantry, with two regiments of cavalry and one company of European artillery.

BOMBAY NATIVE STATES, not under the direct Rule, but within the Limits - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
BOMBAY—*continued.*				*Rs.*	*Rs.*
Daung* Rajahs - - - -	Guzerat - - - - - -	950	70,300	- -	- -
Dhurrumpore - - - -	Ditto (collectorate of Surat) -	225	16,650	91,000	9,000
Guzerat (Guicowar's Dominions), *vide* Baroda.					
Guzerat Petty States†:					
Chowrar - - - -	Guzerat - - - - - -	225	2,500	9,000	- -
Pahlunpore - - -	Ditto - - - - - -	1,850	130,000	2,98,838	50,000
Radhunpore - - -	Ditto - - - - - -	850	45,000	1,65,000	- -
Baubier - - - -	Ditto - - - - - -	120	500	1,206	- -
Charcut - - - -	Ditto - - - - - -	80	2,500	2,524	- -
Deodar - - - -	Ditto - - - - - -	80	2,000	3,650	- -
Kankrej - - - -	Ditto - - - - - -	- -	- -	12,895	- -
Merwara - - - -	Ditto - - - -	Included in Thurraud.	Included in Thurraud.	4,230	- -
Santulpoor - - - -	Ditto - - - - - -	- -	- -	1,346	- -
Soegaum - - - -	Ditto - - - - - -	64	4,500	5,404	- -
Therwarra - - - -	Ditto - - - - - -	48	800	2,363	- -
Thurra - - - -	Ditto - - - - - -	- -	- -	6,460	- -
Thurraud - - - -	Ditto - - - - - -	600	23,000	11,335	- -
Warye - - - -	Ditto - - - - - -	299	20,000	16,770	- -
Wow - - - - -	Ditto - - - - - -	364	10,000	7,360	- -
Hursool (*vide* Peint).					
Kattywar‡ Petty Chiefs - -	Ditto - - - - - -	19,850	1,468,900	45,01,723	10,47,396
Khyrpore - - - - -	Scinde - - - - - -	5,000	105,000	- -	- -

* There are several petty chiefs in the Daung district, acknowledging the supremacy of the Rajah of Daung.

† Quotas of horse and foot are furnished by chiefs in the petty States of Guzerat to their feudal superiors, which have not been included in the military resources of each State. They amount in the aggregate to 1,496 horse and 16,954 foot.

‡ The province of Kattywar is divided among a considerable number of Hindoo chiefs. Some of them are under the direct authority of the British Government; the remainder, though subject to the Guicowar, have also been placed under the control and management of the British Government, which collects the tribute, and accounts for it to the Guicowar. The following Table exhibits the division of the province into talooks, or districts, with the number of chiefs, the amount of revenue and tribute, and the military resources of each:—

TALOOKAS.	Number of Chiefs in each Talooka.	Revenue.	Tribute.	Remainder.	Sebundy Force.		
					Artillery.	Cavalry.	Infantry.
		Rs.	*Rs.*	*Rs.*			
Soruth - - - - -	3	6,28,000	99,959	5,28,041	30	903	1,930
Hallar - - - - -	26	9,73,100	3,22,461	6,50,639	25	827	1,702
Muchookanta - - -	2	1,51,000	66,358	84,642	20	102	175
Babriawar - - - -	32	30,200	8,127	22,073	- -	40	65
Ond Surna - - - -	23	32,923	10,307	22,616	- -	2	5
Jhalawar - - - -	51	8,31,900	2,33,143	5,98,757	7	472	717
Gohelwar - - - -	27	7,25,300	1,46,492	5,78,808	- -	915	1,720
Katteewar - - - -	47	8,55,800	1,21,113	7,34,687	20	480	895
Burda - - - - -	1	2,00,000	34,436	1,65,564	- -	100	400
Okamundel, &c. - - -	4	73,500	- - -	73,500	- -	47	513
TOTAL - - -	216	45,01,723	10,47,396	34,54,327	102	3,688	8,122

- - - - - - of the Political Supremacy of the EAST INDIA COMPANY—*continued.*

Nature of Connexion with British Government.	Military Resources.			REMARKS.
	Artillery.	Cavalry.	Infantry.	
Protected, but not tributary -	—	—	—	
Protected and tributary - -	- -	105		
Protected, but not tributary -	- -	25	- -	The petty State of Chowrar is divided among a number of chieftains.
Tributary to the Guicowar, but protected by the British Government.	10	110	429	In addition to the Native force here specified, the Rajah is bound to maintain a contingent, consisting of 150 cavalry and 100 infantry. There is also a police of 13 horse and foot. The tribute is paid over to the Guicowar by the British Government.
Protected, but not tributary -	20	285	197	There is also a police force in Radhunpore of 193 men.
Ditto - - - -	—	—	—	
Ditto - - - -	—	—	—	
Ditto - - - -	—	—	—	
Ditto - - - -	—	—	—	
Ditto - - - -	- -	6	1	
Ditto - - - -	—	—	—	
Ditto - - - -	—	—	—	
Ditto - - - -	—	—	—	
Ditto - - - -	- -	24	8	
Ditto - - - -	- -	20	18	
Ditto - - - -	—	—	—	
Ditto - - - -	- -	15	8	
Tributary to the British and to the Guicowar, but protected by the British.	102	3,888	8,122	The whole of the force here specified must be regarded rather as police than as available for military duties. But a portion of the Guicowar's contingent, amounting to 900 cavalry, is employed in the province; and a company of Arabs, consisting of 111 men, is attached to the establishment of the British agent.
Protected in the hereditary possessions allotted to him by his father.	47	727	105	This force was maintained by Ali Morad before he was degraded and deprived of the territory, which he had obtained by forgery and fraud. No advice has been received of its subsequent diminution.

BOMBAY NATIVE STATES, not under the direct Rule, but within the Limits - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
BOMBAY—*continued.*				*Rs.*	*Rs.*
Myhee Caunta* is distributed into Six Districts:	Guzerat - - - - - -	3,400	150,000	5,00,000†	1,38,400
1st. Nanee Marwar, Comprising Edur, Ahmednuggur, Morassa, Hursole, Byer, Tintooe, Daunta, Malpoor, Pole, Pall, Posuna, Gudwarra, Wallasun and Hurrole.					
2d. Rehwur, Comprising Gorewarra, Runassum, Mohunpoor, Surdooe, Roopal, Boroodra, Wurragaon and Dhudulea.					
3d. Sabur Caunta, Composed of Cooly Possessions on the eastern bank of the Sabur Muttee, with the Rajpoot Districts of Wursora, Maunsa, and Peethapore, on the western bank of that river.					
4th. Kuttosun, Composed exclusively of Cooly Possessions.					
5th. Byul, or Baweesee, Comprising Wasna and Sadra.					
6th. Watruck, Comprising Amleyara, Mandwah, Khural, Bar Mooarah, and Satoomba.					
Peint and Hursool - - -	Collectorate of Ahmednuggur -	750	55,500	29,724	3,360
Rewa Caunta,‡ comprising:					
1st. Barreea or Deoghur Barreea	Guzerat - - - - - -	870	64,380	57,651§	12,000
2d. Loonawarra - - -	Ditto - - - - - -	500	37,000	40,000	19,200
3d. Mewassee Chiefs, residing on the banks of the Nerbudda and the Myhee.	Ditto - - - - - -	375	27,750	- -	67,613
4th. Odeypore (Chota) or Mohun	Ditto - - - - - -	1,059	78,366	74,000	10,500
5th. Rajpeepla - - - -	Ditto - - - - - -	1,650	122,100	2,03,966	60,000
6th. Soauth - - - -	Ditto - - - - - -	425	31,450	20,000	7,000
Sattara Jaghires:					
1. Akulkote - - - -	Sattara - - - - - -	The area and population of these States cannot be given separately from the principality of Sattara.		- -	- -
2. Bhore - - - -	Ditto - - - - - -			- -	- -
3. Juth - - - - -	Ditto - - - - - -			- -	- -
4. Ounde - - - -	Ditto - - - - - -			- -	- -
5. Phultun - - - -	Ditto - - - - - -			- -	- -
6. Wyhee - - - -	Ditto - - - - - -			- -	- -
Sawunt Warree - - - -	South Concan - - - -	800	120,000	2,00,000	- -
Sindé (*vide* Khyrpore).					
Southern Mahratta Jaghires:					
Hablee - - - - -	- - - - - -	- -	- -	10,024	- -
Jhumkundee - - - -	- - - - - -	- -	- -	2,70,246	- -
Koonwar - - - -	- - - - - -	- -	- -	1,67,392	- -
The two chiefs of Meeruj -	- - - - - -	- -	- -	2,75,343	- -
Moodhole - - - -	Southern Mahratta country -	3,700	410,700	94,645	61,720
Nurgoond - - - -	- - - - - -	- -	- -	51,609	- -
Sanglee - - - -	- - - - - -	- -	- -	4,68,044	- -
Savanore - - - -	- - - - - -	- -	- -	29,670	- -
Shedbal - - - -	- - - - - -	- -	- -	1,23,599	- -

* The province of the Myhee Caunta is divided among several petty chiefs, tributary to the Guicowar. The whole province has been placed under the control and management of the British Government, which collects the Guicowar's dues, and pays over the amount to that prince.

† Revenue of Edur and Ahmednuggur - - - - - - - - - - - - - - - *Rs.* 2,34,000
Ditto remaining States - - - - - - - - - - - - - - - 2,66,000

TOTAL Revenue of Myhee Caunta - - - *Rs.* 5,00,000

- - - - - - of the Political Supremacy of the East India Company—*continued.*

Nature of Connexion with British Government.	Military Resources.			REMARKS.
	Artillery.	Cavalry.	Infantry.	
Tributary to the Guicowar, but under the control and management of the British Government.	- -	291	630	The military force here specified was maintained by the two States of Edur and Ahmednuggur, now merged into one principality, that of Edur. The force maintained by the other Chiefs of the Myhee Caunta is stated to consist of about 6,000 men. But for the purpose of assisting the British agency in securing the tranquillity of the country, a portion of the Guicowar's contingent, amounting to 1,000 cavalry, is stationed at Sadra, from which place detachments are distributed over the province.
Protected and tributary -	- -	- -	100	
Ditto - - - - -	- -	43	168	There is also a feudal force available to the Rajah, of 15 cavalry and 190 infantry.
Protected by the British, but tributary to Scindia, the Guicowar, and the Rajah of Balasinore.	- -	50	100	The State is entitled also to the service of a feudal force of 50 cavalry.
Protected by the British, but tributary to the Guicowar.	—	—	—	
Ditto - - - - -	- -	70	368	
Ditto - - - - -	- -	98	286	
Protected by the British, but tributary to Scindia.	- -	40	100	A feudal force of 50 horse is also available to the Rajah.
- - - - - - -	- -	122	493	A proposal has been made to the Rajah of Akulkote and the other Sattara Jaghiredars, who supply contingents of horse, to commute the obligation of military service for a pecuniary payment, at the rate of 24 rupees per month per man.
Protected, and bound to furnish contingents, amounting in the aggregate to 235 cavalry -	- -	20	908	
	- -	10	202	
	- -	25	255	
	- -	15	175	
- - - - - - -	—	—	—	
Protected; now under the management of the British Government.	- -	- -	611	The military force of Sawunt Warree consists solely of the local corps, under the control of European officers, and in subordination to the political superintendent.
- - - - - - -	- -	14	75	The Chiefs of Koonwar, Meeruj, Shedbal, Jhumkundee, and Moodhole, were bound to furnish contingents of cavalry, amounting in the aggregate to 231 horse. They have now commuted the obligation by a money payment of *Rs.* 61,720 per annum.
- - - - - - -	- -	102	785	
- - - - - - -	- -	43	682	
- - - - - - -	- -	87	1,053	
Protected and tributary - -	- -	35	420	
- - - - - - -	- -	103	643	
- - - - - - -	- -	575	3,900	
- - - - - - -	- -	25	431	
- - - - - - -	- -	68	212	

(*continued*)

‡ The province of Rewa Caunta, though tributary to the Guicowar and to Scindia, has been placed under the management and control of the British Government.

§ The Rajah derives a tribute from the Punch Mehals of *Rs.* 4,750 per annum.

BOMBAY NATIVE STATES not under the direct Rule, but within the Limits - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
BOMBAY—*continued.*				*Rs.*	*Rs.*
Sucheen - - - - - -	Guzerat - - - - - -	300	22,200	89,000	- -
Wusravee (Bheel Chiefs) - -	Ditto (southern boundary of Rajpeepla).	450	33,300	- -	- -

ABSTRACT. - - - - - - - - -

				Rs.	*Rs.*
BENGAL - - - -	- - - - - -	607,949	44,255,517	841,51,786	79,95,471
MADRAS - - - -	- - - - - -	51,802	4,752,975	41,58,075	7,96,430
BOMBAY - - - -	- - - - - -	57,375	4,393,400	186,70,820	18,62,990
	TOTAL - - -	717,126	53,401,892	1,069,80,681	106,54,891

It will appear from the foregoing statement, that the military resources of the Native Princes of India comprise a force of 398,918 men; viz.:—

	Artillery.	Cavalry.	Infantry.	TOTAL.
Bengal - - - - - - - - -	12,593	54,671	287,309	354,573
Madras - - - - - - - - -	- - -	- - -	2,472	2,472
Bombay - - - - - - - - -	369	13,632	27,872	41,873
TOTAL - - -	12,962	68,303	317,653*	398,918†

The

* Where no distinction has been made in the official records between the cavalry and infantry of a Native State, the whole armed force has been included in this Statement under the head of Infantry.

† In reference to this enormous force, it is proper to observe, that considerable portions of the regular troops of Native States are described in the official returns as fitted rather for police purposes than as available for regular military duties. Where the military force of a Native Prince is not under the command of European officers, it rarely happens that there exists any regular system of payment; and under such circumstances, a native army is invariably found to be badly organized and inefficient. The figures above given do not include either the police corps or the quotas of troops which the military chiefs are bound to furnish to their feudal superior.

- - - - - - of the Political Supremacy of the East India Company—*continued.*

Nature of Connexion with British Government.	Military Resources.			REMARKS.
	Artillery.	Cavalry.	Infantry.	
Protected, but not tributary -	- -	- -	18	The Nawaub recently maintained a body of Arabs, but he is now prohibited from entertaining foreign mercenaries.
Bheel Chiefs, protected by the British Government.	—	—	—	

- - - - - - - - - ABSTRACT.

- - - - - -	12,593	54,671	287,309
- - - - - -	- -	- -	2,472
- - - - - -	369	13,632	27,872
TOTAL - - -	12,962	68,303	317,653

The army of the British Government in India, including Her Majesty's troops and the Company's European and native troops of all arms, consists of 289,529 men; viz. :—

	QUEEN'S TROOPS (Europeans).	COMPANY'S TROOPS.			TOTAL.
		Europeans.*	Natives.	TOTAL.	
Engineers - - - - -	- - - -	321	2,248	2,569	2,569
Artillery - - - - - -	- - - -	7,436	9,004	16,440	16,440
Cavalry - - - - - -	3,664	469	30,851	31,320	34,984
Infantry - - - - - -	25,816	9,648	193,942	203,590	229,406
Medical - - - - - -	included in above	1,111	652	1,763	1,763
Warrant Officers - - - -	- - -	243	- - -	243	243
Veterans - - - - - -	- - -	700	3,424	4,124	4,124
	29,480	19,928	240,121	260,049	289,529

The contingent troops of the Native States commanded by British officers, and available, under treaties, to the British Government, amount to about 32,000 men; viz. :—

Hyderabad (Nizam's) Auxiliary Force - -	8,094	Brought forward - - -	27,845
Gwalior (Scindia's) Contingent - - -	8,401	Malwa Bheel Corps - - - - -	648
Kotah Contingent - - - - - -	1,148	Joudpore Legion - - - - - -	1,246
Mysore Horse - - - - - - -	4,000	Meywar Bheel Corps - - - - -	1,054
Guzerat (Guicowar's) Contingent - - -	3,756	Colapore Local Horse - - - - -	907
Bhopal Contingent - - - - - -	829	Sawunt Warree Local Corps - - - -	611
Malwa United Contingent - - - -	1,617		32,311
Carried forward - - -	27,845		

Holkar and the Rajah of Nagpore are bound by treaty to furnish contingents, the former of 3,000, and the latter of 1,000 horse; but these troops are not commanded by British officers.

* Including officers attached to Native regiments.

Appendix C.

LAND TENURES.

THE Government land tenures may be distributed into three* principal classes :—

1. The Zemindary;
2. The Putteedaree; and,
3. The Ryotwar; as it prevails in the South of India, where the cultivators are also the proprietors of the soil.

Under both the Hindoo and Mahometan law of inheritance, all settlements have a tendency to break up into subdivisions and become ryotwar.†

The zemindary and putteedaree tenures may therefore be regarded as indicating the stages through which a domain usually passes before it becomes ryotwar, or broken up into petty and separate allotments.

THE ZEMINDARY TENURE.

An estate held upon *zemindary tenure* may occasionally belong to one individual; but under the native law of partition‡ it would shortly become a joint property, and might then be held in equal or unequal shares. But in either case there would be no separation of interests. The whole estate is cultivated as a joint-stock property for the mutual benefit of the proprietors, and after payment of the expenses of cultivation and the Government assessment, the net profits are divided among the shareholders according to their respective shares. The Government recognise but one individual (the representative of the family or proprietary body§) as responsible for the Government demand, and in the event of default the whole estate would be sold for its realization. The distinguishing feature of the zemindary tenure, when the estate belongs to several proprietors, is *cultivation in common, or under joint stock.*

THE PUTTEEDAREE TENURE.

Under the *putteedaree tenure* the same estate is parcelled out into allotments, and thenceforward the shares in the net profits are commuted for equivalent portions of land. Each proprietor or shareholder undertakes the agricultural management of his separate allotment, paying through the representative of the proprietary body (the lumberdar, or perhaps the headman of the village) such instalment of the Government revenue as may have been agreed to among themselves in distributing the aggregate assessment. In the event of individual default, a joint responsibility attaches to the whole proprietary body;‖ but any proceedings instituted by the Government for the realization of the deficiency, would be directed, in the first instance, against the defaulting allotment. The characteristic of the putteedaree tenure is *cultivation in severalty with joint responsibility.*

RYOTWAR TENURE.

Under the *ryotwar tenure* the various proprietary subdivisions of the estate are recognised by the Government, and *joint responsibility ceases.* The aggregate of the Government demand upon the estate is distributed by its authority in distinct instalments, corresponding with the value of each separate allotment. The proprietor of each petty holding is thus made responsible to the Government for the payment exclusively of his own fixed assessment. The principle of the ryotwar tenure is that of a *field assessment with total separation of interests.*

RECAPITULATION.

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* The talookdary system will be described separately.

† Evidence before Parliamentary Committee.

‡ Under the Mahometan law of inheritance, the right of primogeniture is unknown. Property is divided among all the children or other heirs in certain proportions. A wife, if there be no issue, receives a fourth; if there be an issue, an eighth. A male receives as much as the share of two females.

Under the Hindoo law, property is equally divided among all the brothers. Daughters are debarred from a share in the inheritance of their father, but receive portions out of their brothers' allotments. The widow appropriates only her own dowry.

§ The distinction between the zemindary tenure of Bengal and that of the North-West Provinces is one arising solely from the difference in the periods of their respective duration. That of Bengal dates from a recent period (1793), and the shareholders in an estate are there united by *community of descent*; the elder brother usually manages the estate, and he alone is responsible for the Government revenue.

In the North-West Provinces the tenure is of far earlier origin. There the shareholders, though probably deriving from one common stock, and possessing a property originally belonging to one individual, are at this time united rather by *community of rights* than by community of descent; and they elect from their own body a representative, who is regarded by the Government as responsible for the Government demand.

‖ But if the parties possessing the joint property, or separate properties subject to a common obligation, desire to have separate possession, they will be admitted to separate engagements with the Government, and each parcel of land will then be held exclusively responsible for the revenue assessed upon it.—Bengal, Regulation VII. of 1822, sect. 10, c. 9.

RECAPITULATION.

That the zemindary tenure denotes an estate, which, though held by several partners, is cultivated in its integrity for their mutual benefit, without any separation of interests.

The putteedaree settlement indicates the estate when parcelled out in allotments among the several sharers; the arrangement being sanctioned by Government, conditionally upon the aggregate assessment being guaranteed by the shareholders in the event of individual default.

The ryotwar settlement indicates the estate absolutely parcelled out into separate allotments under the sanction of the Government, each proprietor entering into a separate engagement with the Government for the payment exclusively of the assessment fixed upon his own allotment.

TALOOKDAR.

The talookdar is a middleman, interposed by the Government between itself and the landholders, for the purpose of collecting the revenue. The office is altogether of native institution. The talookdar might either contract with the sovereign for the revenues of a district, and pay himself from the profits of his lease, or he might collect a fixed amount, and receive a regular salary. The former expedient was usually adopted under the native governments.* The British Government insists upon the latter. Wherever a talookdar is now tolerated, the rights of the landholders are first ascertained and recorded, and the powers of the talookdar restricted to the collection of a fixed assessment, his compensation for the trouble and expense of collection constituting a deduction from the sum collected.

These tenures, simple enough when viewed in the relation of the people to the Government, become somewhat complicated when regarded in the relation of the people to each other, more especially as the beneficial interest therein becomes widely diffused, and separate transferable properties are possessed by several parties in the same parcel of land.

If, for instance, a portion of an estate held under the zemindary or joint-stock tenure, contained mines or fisheries, &c., and was thus not susceptible of equal division, then in the transition of the estate from the zemindary to the putteedaree settlement, such portion would be excepted from separate allotment, and continue as before to be worked as a joint-stock property for the mutual benefit of the several proprietors. The shares in this joint property would, in the first instance, correspond with the respective divisions of the estate, but thenceforward they might be held as a distinct property, and a proprietor might dispose of his separate allotment, and retain a share in the common fund, or, *vice versâ*, he might dispose of his joint-stock share, and reserve his individual property.

Again, one or more of the *primary* divisions of the estate, when held under *putteedaree tenure*, might be further subdivided. In the event of default in one of the subdivisions or puttees, the remaining puttees of the *primary division* would in the first instance be liable for the deficiency of the Government demand, although a joint responsibility would, as before, attach to the whole estate.

It was ascertained, during the recent survey of the North-Western Provinces, that the proprietors of a division of an estate, though themselves cultivators, rarely cultivate the whole of their property. A portion, sometimes a sufficient quantity to meet the whole Government demand, for which they are responsible, is let to tenants at will, or on lease, at an increased rental. The residue is then virtually held by the proprietors rent-free. The holders of these rent-free lands are the *village zemindars*; the tenants at will, the *pyecaust ryots*.

If the estate be sold for arrears of revenue, all these proprietors or village zemindars lose their proprietary rights; but as they are also cultivators, they retain their rights in that capacity, and become hereditary cultivators (khoodkust ryots), subject to the payment of the same customary rate of rent as all other non-proprietary cultivators. The purchaser of the estate would obtain an absolute property therein, subject to the payment of the Government revenue, and save and except as affected by the position of those hereditary cultivators whose rights to occupancy at specified rates might have been already adjusted and recognised by the Government. All lands virtually held rent-free by the village zemindars would be subject to the payment of full rents.

It will hence be seen that there are two distinct rights connected with property in the land.

1st. The right of the occupier, or that of cultivating the land, subject to the payment of the landlord's rent.

2d. The

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* And where the rights of the landholders were not strictly defined, the talookdars succeeded in usurping them, and reducing the proprietors to the condition of hereditary cultivators. An intermediate position between the landholder and the State appears to have been occupied at one time or other by—

The Poligars and Mootadars of Madras.
The Dessayes and Mozumdars of Guzerat.
The Deshmooks of the Decean.
The Talookdars of the Moguls, and by several others.

Appendix C.

2d. The right of the proprietor* or landlord, viz. the title to the rent, subject to the deduction of the Government revenue.

Principles totally different distinguish the native from the British system of revenue. The former is based upon a fixed proportion of the gross produce.† The latter deals solely with the surplus or net rent. The 52d section of the "Directions to the Revenue Settlement Officers" in the North-Western Provinces runs as follows:—

"It is desirable that the Government should not demand more than two-thirds of what may be expected to be the net produce to the proprietor during the period of settlement, leaving to the proprietor one-third as his profits, and to cover the cost of collection. By net produce is meant the surplus which the estate may yield after deducting expenses of cultivation."

BENGAL.

In the *Lower Provinces of Bengal*, the land is held chiefly upon the *Zemindary tenure*. The estates, though in the first instance granted to single individuals, are now, it is said, generally held in coparcenary. Under the permanent settlement of Lord Cornwallis, the Government is debarred from further participation in the agricultural improvement of the country. The step which has been taken is irrevocable.

NORTH-WESTERN PROVINCES.

In the *North-West Provinces*, the land is held under *putteedaree settlement*. The Government assessment, calculated upon the basis of two-thirds of the net rent, has been fixed for a period of 30 years. By this limitation of the public demand, a valuable and marketable private property has been created in the land, and every landholder, however petty his holding, is, to a certain extent, a capitalist. ‡

BOMBAY.

In Bombay, the revenue settlement is chiefly *ryotwar*. Under the new survey now in progress, the lands are subdivided into fields of moderate size, so that each subdivision is rendered easy of cultivation by a farmer of limited means. The Government assessment is laid separately upon each field, and leases granted for 30 years' duration, at a fixed and invariable sum, binding on the Government for the full term; but with the option on the part of the cultivator of surrendering any one or more of his fields, or altogether putting an end to his lease at the close of any given year.

MADRAS.

In Madras, a considerable portion of the land is also held under the *ryotwar tenure*. A maximum assessment is fixed by the Government for the best lands, which cannot be exceeded. Inferior lands, so long as they remain inferior, are of course assessed at lower rates. The contracts with the cultivators are renewed from year to year, when remissions of rent are made, if the unfavourable character of the season or the circumstances of the cultivator render such a measure expedient. In the south of India the seasons are unusually precarious, and the cultivators poor and improvident. Under such circumstances, it has been thought there were no means of securing to the Government a *fair* share of the surplus produce or net rent, than by taking more than the average in favourable seasons, and making corresponding reductions in those which prove unfavourable. Annual settlements are, therefore, in this view indispensable. But such a system must necessarily operate as

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* The proprietary class, of which the Gram Adikars are the head, comprises—
The Putteedars of the North-Western Provinces.
The Bhumias in Rajpootana.
The Potails in Malwa, Guzerat, and the Deccan.
The Meerassidars, Mocuddums, and Wutturies, in the Carnatic and the Deccan.
The Vellalers of the Southern Peninsula.
The Zemindars of Bengal, &c. &c. &c.

† Large tracts of cultivable land are left waste, because not sufficiently fertile to pay for the cost of cultivation when subjected to an assessment of a *fixed proportion* of the gross produce. To this cause must, doubtless, be ascribed the vast quantity of waste land in a country so densely populated. The British system, by restricting the claim of the Government to a share of the net rent, does not encroach upon the profits of capital, and is consequently favourable to extended cultivation. Under this enlightened principle, it may reasonably be expected that in a brief period the waste land of India may be rendered productive.

‡ But the relation of the landlords to the Government was one only of the objects to be defined by the new settlement. Another object sought was to ascertain the relations of landlords and occupiers to each other, and the rights and obligations of both parties. This task has been accomplished by the completion of the revenue settlement. A survey has been made of each separate holding, and registers preserved, in which are shown—
The name of the proprietor, and the amount of assessment paid to the Government.
The name of the occupier, and the amount of rent paid to the proprietor.
The duration of the lease.
The area of the estate.
The quality of the land, &c. &c.
Ready means are thus possessed of verifying all particulars relating to landed property; and as the mass of litigation is connected with land tenures, such records go far to render the administration of justice simple and effective.

as a bar to agricultural improvement. It is obvious that but for the remissions, the land is over-assessed: it has, consequently, a very low marketable value.* Farming capital is borrowed at enormous rates of interest, not upon the security of the land, but solely upon the crop of the current year—a very uncertain one. Farming thus becomes a matter of wild speculation; and the net rent is divided, not between the Government and the cultivator, but between the Government and the usurer.

The character of this paper will not admit of any discussion of the question, *Whether the rent belongs of right to the Government?* It may, however, be noticed, that neither zemindar nor village headman, nor putteedar, nor talookdar, claim exemption from the payment of land assessment, except under a grant from the British Government, or one of its native predecessors.

THE MAHOMEDAN SYSTEM.

The Mogul Government was obviously entitled to the whole of the net rent, according to the Hidaya:—

"This tax ought not to exceed what the land *can afford to pay.* Our jurists have decided that the utmost which the land *can afford to pay is one-half* of the produce, and more than this ought not to be taken. If the land cannot afford to pay one-half, the prince must take less, for to take less is lawful; but to take more than the half is not lawful."

THE HINDOO SYSTEM.

The ancient Hindoo Governments are represented to have been entitled to a sixth, or at most a fourth of the gross produce of the land; but with regard to the practice of these governments, it appears, upon the authority of Sir Thomas Munro, that in the districts of the Hindoo chieftains of the Northern Circars, descended from the ancient sovereigns of Orissa, and in other Hindoo States, the *same rate of assessment prevails as in other parts of India*, fluctuating from two to three-fifths of the gross produce.

The first Regulation of the British Government (No. I. of 1793) declares it to be notorious that from the earliest times to that period the assessment was liable to increase, at the discretion of the native rulers; and Regulations of a somewhat later date reiterate the declaration that Scindia, the Peishwa, and other native powers, all exercised a despotic authority in fixing and again altering the assessment.

THE BRITISH SYSTEM.

A principle or rule of the land assessment has at length been defined by the British Government. *It is not to exceed two-thirds of the net rent.* †

The following Return of the Land Revenue, Area, Population and other statistical particulars connected with the North-Western Provinces, has been prepared from information collected during the recent revenue settlement of that portion of India. No means exist in this country for the preparation of similar statements for the Lower Provinces of Bengal, or for the Presidencies of Madras and Bombay:—

NORTH-WESTERN PROVINCES.

Number of Townships	80,883	
Area in Acres	46,070,658	
Land Assessed to Revenue:	Acres.	
Cultivated	23,112,183	
Culturable	9,816,749	
		32,928,932
Land Unassessed:		
Rent-free	1,733,443	
Barren	11,408,283	
		13,141,726
Total Area in Acres		46,070,658
	Rupees.	
Demand on account of Land Revenue	4,05,29,921	

	R.	A.	P.
Rate per Acre on Total Area	0	14	1
On Total Assessed Land	1	3	8
On Total Cultivation	1	12	1

* Or rather none at all. Where the Government assessment is moderate, but its payment peremptorily enforced, the revenue is safe, because the proprietor of land having in it a beneficial interest, the value of which can be precisely ascertained, may in case of necessity borrow on a security perfectly unexceptionable, or, if requisite, he may sell. The crops may fail in one year, but on the average matters will right themselves, the good years making up the deficiency of the bad.

† *See* Directions to Revenue Settlement Officers, as above.

Appendix C.

POPULATION:

Hindoo:		
Agricultural	13,127,956	
Non-Agricultural	6,324,690	
		19,452,646
Mahomedan and others:		
Agricultural	1,596,277	
Non-Agricultural	2,150,745	
		3,747,022
TOTAL Population of the North-Western Provinces		23,199,668

Number of Persons to each Square Statute Mile	322·3
Number of Acres to each Person	1·99
Average Amount of Revenue per Head	1·742

NATIVE AGENCY.

THE principle of Indian administration, from the time of Lord Wellesley* to that of Lord William Bentinck, was the transaction of public business by means of European agency. The experiment resulted in disappointment, inasmuch as it was impossible to carry it out otherwise than very imperfectly, except at an enormous expense. Another mode, that of employing native agency to a large extent, was more readily available. Native functionaries might be obtained on lower terms, and in familiarity with the vernacular languages and insight into native character, they would enjoy an advantage. It was feared, however, that they could not be trusted; and if remunerated at the low scale formerly allotted to them, and unwatched by any superior, the apprehension was not unreasonable. The problem was to unite economy and despatch with efficiency and integrity, and the solution is found in the extensive employment of native agency, subject to careful European supervision. This has been tried, and works well.

The change has taken place within the last 20 years, during which period several new offices of trust and emolument have been opened to the natives of India, and those previously allotted to them have been materially advanced both in emolument and responsibility.

The principal offices now filled by natives of India, independently of the Hindoo and Mahomedan law offices of the Judicial Courts, which are of old standing, are those of—

Principal Sudder Aumeen.
Sudder Aumeen.
Moonsiff.
Deputy Magistrate.
Deputy Collector.

The Principal Sudder Aumeens in Bengal are divided into two classes.

The first class receive	£.720 per annum.
The second class	480 „
In Madras they receive	600 „
In Bombay	600 „

Sudder Aumeens.

In Bengal	£.300 „
Madras	240 „
Bombay	420 „

Moonsiffs.

From £.100 to £.200 per annum.

Deputy

* The duty and policy of the British Government in India, therefore, require that the system of confiding the immediate exercise of every branch and department of the Government to Europeans educated in its own service, and subject to its own direct control, should be diffused as widely as possible, as well with a view to the stability of our own interests, as to the happiness and welfare of our own subjects.—Desp. vol. ii. p. 326.

Deputy Collectors.

From £.360 to £.600 per annum.

In the Lower Provinces of Bengal there are 420 natives in Government employ, of whom—

1	receives - - - - - - -	£. 1,560 per annum.
1	„ - - - - - - -	900 „
8	„ - - - - - - -	£.720 to 840 „
3	„ - - - - - - -	600 to 720 „
54	„ - - - - - - -	480 to 600 „
28	„ - - - - - - -	360 to 480 „
325	„ - - - - - - -	24 to 360 „
420		

In the North-West Provinces there are (exclusive of East Indians) 864 natives in Government employ, paid as under:—

7	receiving each - - - - -	£. 720 to 780 per annum.
4	„ - - - - -	600 to 720 „
23	„ - - - - -	480 to 600 „
12	„ - - - - -	360 to 480 „
818	„ - - - - -	24 to 360 „
864		

In the Punjab, the salaried natives are 258 in number, receiving from 24 *l.* to 600 *l.* per annum each.

In Madras the number is 199, receiving from 960 *l.* to 24 *l.* each.

In Bombay there are 594, receiving from 600 *l.* to 24 *l.* each.*

Civil justice, in fact, is almost wholly dispensed by native judges. They are distributed into three grades—Principal Sudder Aumeens, Sudder Aumeens, and Moonsiffs. The jurisdiction of the two lower grades is limited to suits in which the matter in dispute does not exceed a certain value, the limit being of course higher in regard to the upper of these two grades than to the inferior. To the jurisdiction of the highest native judge there is no such limit. To these different classes of native judges is entrusted the original cognizance of all civil suits; and no person, whether British or native, is exempt from their jurisdiction.

The first grade of native judges (Principal Sudder Aumeens) may sit in appeal from the decrees of the two inferior courts; and as the law, except in special cases, allows but one trial and one appeal, the power of final decision in by far the larger number of suits rests with native judges.†

Further, suits wherein the amount in dispute exceeds 500 *l.* may be tried either by the Principal Sudder Aumeen or by the European Zillah Judge, if he so please. But in either case an appeal lies only to the highest Company's Court, the Sudder Adawlut.‡ Here then the native judge exercises the same extent of jurisdiction as the European functionary. Native and British qualification and integrity are placed on the same level. The suits now entrusted to a head native judge were confided, before the passing of Act No. 25 of 1837, to no officer below a European provincial judge.

The

* If the value of money be estimated by the wages of labour in the two countries, it would appear that its worth is about seven times greater in India than in England. The rate of wages issued to 2,000 men employed on the Calcutta and Bombay mail-road is three rupees, or 6*s.* per month each; and assuming the rate of wages in England at 10*s.* per week, 24*l.* in India is equal to 168*l.* in England.

† A. sues B. for a debt of 10*l.* The suit is instituted in the Moonsiff's court, and conducted by a vakeel, or pleader. The pleadings and motions may be submitted in writing, the pleader merely examining the witnesses, or he may have recourse also to oral pleading. The judge is required by law to record his decision, and the reasons for it, upon the face of his decree. The dissatisfied party may appeal from the decision to the European judge of the district, who either hears the appeal himself or refers it to his Principal Sudder Aumeen. The decision in either case is final, except upon a point of law, when a special appeal lies to the Court of Sudder Adawlut, and thus the proceedings of the subordinate courts are brought under supervision.

‡ The course of proceeding in such cases is as follows: C. sues D. for 1,000*l.* The suit must be instituted in the court of the head native judge; and if not withdrawn by the European judge of the district, it is tried by the native judge. The appeal in either case lies to the Sudder Adawlut, from whose decision, however, there is an appeal to the Queen in Council, in all cases where the value in dispute amounts to 1,000*l.*

Appendix C.

The number of appeals affords evidence of the feeling of the people in respect to the administration of the law. The number affirmed and reversed is evidence of the qualifications, intellectual and moral, of the native functionaries as estimated by their superiors. The proportion of appeals to original decisions in the suits disposed of in the North-Western Provinces for seven years is about 15 per cent.; the proportion of decisions reversed in the original suits is little more than four per cent., as shown in the following Table:—

	Original Suits decided on Merits		Appeal Suits		Reversals.	Proportion of Reverses to Original Suits.
	By Zillah Judges.	By Native Judges.	By European Judges.	By Native Judges.		
1843	31	39,181	4,505	3,083	2,301	5¾ per cent.
1844	17	40,213	4,397	2,902	2,020	5 „
1845	10	40,579	3,980	2,809	1,895	4½ „
1846	3	41,775	3,900	2,392	1,676	4 „
1847	8	43,169	3,608	2,559	1,673	3¾ „
1848	11	41,340	3,977	2,916	1,736	4 „
1849	20	44,933	3,802	3,674	2,042	4½ „

By a more recent enactment, natives of India are eligible to the office of deputy magistrate. They are competent in that capacity to exercise the powers of the European covenanted assistant, and even under orders of the local government, the full powers of magistrate. When entrusted with the latter, their power of punishment extends to three years' imprisonment, and they are also competent, in cases of assault and trespass committed by Europeans on natives, to inflict a fine to the extent of *Rs.* 500, and to imprison for the period of two months, if the fine be not paid. Natives are frequently invested with full powers of magistrates.

Native deputy collectors are subordinate to the European collectors, but they are competent to transact any of the duties of the collector. Their proceedings are recorded in their own names, and on their own responsibility.

The selection and promotion of native judicial functionaries are regulated as follows:

NORTH-WEST PROVINCES.

Vakeels or pleaders, before obtaining diplomas, must have passed an examination before a committee, consisting of the European Revenue Commissioner, the European Judge of the district, the Principal Sudder Aumeen, the principal of the college or other educational establishment at the station, and such other officers as may be appointed by the Government.

The examination may be presumed to be of stringent character, from the following results:—

In 1852. At *Agra*, twenty-seven candidates presented themselves for examination,—*none* passed.

Bareilly, forty-eight candidates, of whom *two* passed.

Benares, seventy-two, of whom *four* passed.

The Moonsiffs (lowest grade of native judges) are selected from the vakeels, and appointed by the Court of Sudder Adawlut.

The Sudder Aumeens are selected from the Moonsiff class by the Sudder Adawlut, and appointed by the Government.

The Principal Sudder Aumeens are selected from the class of Sudder Aumeens, and appointed by the Government.

The service is one of gradation, but not of seniority, the superior ranks being filled up by the most efficient men of the inferior.

CIVIL SERVANTS.

Civil servants are prepared for the higher offices in Bengal by previous instruction in this country. At Haileybury the basis of education is European literature and science (classics and mathematics), to which is added, the study of the general principles of law, together with political economy, history, and the rudiments of the Oriental languages.

At

At the College of Calcutta the studies of the civilian are resumed, and directed to the mastery of the vernacular languages, the acquisition of the principles of Mahomedan and Hindoo law, and a familiarity with the Regulations and the Legislative Acts of the Indian Government; the object of the two institutions being to combine the education of an English gentleman with the qualifications of the native law officer.

Upon passing his college examination, the civilian commences his career in the public service as assistant to a collector and magistrate. He is thus engaged alternately in the judicial and the revenue line. In his magisterial capacity, he takes the deposition of witnesses, and prepares cases for the decision of his superior; or he hears and determines, subject to revision, cases specially made over to him by the magistrate. His power of punishment extends to two months' imprisonment, a period which, when he is entrusted with special powers by the Government, is enlarged to 12 months. As assistant in the Revenue Department, he decides petty claims relating to arrears or exactions of rent.

After this apprenticeship of several years, the assistant is regarded as a candidate for promotion. He is then subjected to a further examination, with a view of testing his knowledge of the languages and the laws of the country; and his promotion is made dependent on the success with which he passes the test. That the examination is severe and searching may be gathered from the fact, that of 20 civilians who came up in 1852, seven only were passed. A successful candidate is then deemed qualified for the office of collector or magistrate.

As magistrate, he directs the police operations of his district, and takes cognizance of all criminal matters. The law provides for his dealing with certain classes of offences, but limits his power of punishment to three years' imprisonment. Parties charged with graver crimes are committed by him to take their trial before the Sessions Court.* In certain cases the magistrate may inflict corporal punishment, not exceeding a few stripes, and no other punishment is then superadded. Appeals from his sentences, or from those of his assistant, when vested with special powers, lie to the Sessions Judge.

As collector, he has charge of the district treasury. He superintends the collection of the Government rental; puts in execution coercive measures against defaulters; sells estates for arrears of revenue; and manages those escheated or bought by Government. He superintends the partition of estates, and regulates the distribution of the Government assessment among the several subdivisions. He also exercises judicial powers in settling, by summary process, disputes among the agricultural community regarding rents.

After further experience, the civilian is promoted to the judicial chair.

The Civil Judge presides over the Civil Courts in his district, and supervises the dispensation of justice by his native functionaries. It is competent to him to withdraw suits from the courts below, and to try them himself.† He hears appeals from the decisions of his principal Native Judge, when the matter in dispute does not exceed the value of 500*l.*; but he may transfer appeals from the decisions of the other subordinate courts to the file of the principal Native Judge.

In the Sessions Court the Judge is required to try all persons committed for heinous offences by the magistrates. He has not the power of life and death, but his jurisdiction extends to 16 years' imprisonment.‡ All capital cases after trial must be referred for the disposal of the Nizamut Adawlut; as also those cases in which the Sessions Judge dissents from the opinion of his Mahomedan law officer. Persons not professing the Mahomedan faith are not to be tried under the provisions of the Mahomedan law, but under the regulations, the Judge being assisted by a punchayet or assessors, or a jury, but having power to overrule their opinion. The Sessions Judge holds a monthly gaol delivery, though, in fact, he may be said to be constantly sitting. He sits in appeal from sentences passed by the magistrates and their assistants.

The

* British subjects guilty of felony or other grave offences are committed for trial before the Queen's Court. In cases of assault and trespass, they are subject to the jurisdiction of the magistrate (European or native), which extends to the imposition of a fine of *Rs.* 500, and to imprisonment for two months if not paid. An appeal from the decision of the magistrate lies to the sessions judge, and the case, if so appealed, is not liable to be removed to the Queen's Court by a writ of certiorari. Further, Europeans, by being rendered subject to penal recognizances for the maintenance of the peace, are virtually amenable to the jurisdiction of the Mofussil police.

† In the trial of civil suits, original or appeal, it is competent to the European judge to avail himself of the assistance of natives in one of the three following modes:—

1st. By a punchayet, who conduct their inquiries on points submitted to them apart from the court, and make their report to the judge.

2d. By assessors, who sit with the judge, make observations, examine witnesses, and offer opinions and suggestions.

3d. By a jury, who attend during the trial, and after consultation deliver in their verdict.

But under all the modes of procedure described in the three clauses, the decision is vested solely and exclusively in the judge.

‡ The great length of the terms of imprisonment in India is one of the vestiges of a barbarous law, or rather a consequence of its abolition. In 1793 the punishment of mutilation was abolished, and it was then ordained that if a prisoner be sentenced by the *futwa* of the Mahomedan law officer to lose two limbs, he should in lieu thereof be imprisoned for 14 years, and if sentenced to lose one limb, to seven years. Under a later law it is competent to the judge to impose two years' additional imprisonment in lieu of corporal punishment.

A reduction in the terms of imprisonment has been repeatedly urged upon the Government of India by the home authorities.

Appendix C.

The Sudder Dewanny Adawlut, the highest of the Company's Courts, is composed of the Judges selected from the Civil and Sessions Judges. It has ceased to exercise any original jurisdiction. It is the court of final appeal in the Presidency, and controls all the subordinate civil tribunals. Besides regular appeals from the original decisions of the European Zillah Judge, and in certain cases from those of the Principal Sudder Aumeen, the Court is competent to admit second or special appeals from decisions of the Courts below on regular appeals. The grounds for special appeal are when the judgments shall appear inconsistent with law or the practice or usage of the Courts. The power thus given to the Sudder Court of hearing special appeals extends their means of supervision, and brings judicially before them the proceedings and decisions of all classes of judicial officers, and affords opportunity for correcting errors and ensuring consistency, it being one of their duties to regulate the practice and proceedings of the lower Courts. Moreover, each judicial officer is required by law to record his decisions and the reasons for them in his own vernacular tongue; and this affords the Sudder Court extended means of judging correctly of the individual qualifications of their subordinates. The Sudder Court sits daily, except during the Dusserah and the Mohurrum,* when all civil proceedings are suspended. In the trial of appeals, the proceedings of the lower tribunals are read before one or more Judges. A single Judge is competent to confirm a decree. Two or three sitting together must concur for its reversal, whether the appeal be regular or special. Decisions of the Court in suits exceeding in value 1,000*l.* may be carried by appeal before the Queen in Council. Monthly reports are received of the state of business from every district, and an annual report is made to Government of the administration of civil justice, both in the Sudder Court and in its subordinate Courts.

The Nizamut Adawlut.—The Judges of the Sudder Dewanny are the Judges also of this Court. The Nizamut has cognizance in all matters relating to criminal justice and the police of the country; but it exercises no original jurisdiction. Appeals from the Sessions Judges lie to this Court; but it cannot enhance the amount of punishment, nor reverse an acquittal. The sentences of this Court are final. In cases of murder and other crimes requiring greater punishment than 16 years' imprisonment (which is the limit of the Sessions Judges' power), all the proceedings of the trial are referred for the orders of the Nizamut. The Mahomedan law officer of this Court (unless the futwa be dispensed with) first records his judgment, and all the documents are then submitted to the Judges of the Nizamut. If the case be not capital, it is decided by the sentence of a single Judge. Sentences of death require the concurrence of two Judges.† Trials before the Sessions Judge for crimes punishable by a limited period of imprisonment are also referred, as already intimated, for the disposal of the Nizamut, in cases where the Sessions Judge differs from the opinion of the Mahomedan law officer. As in civil matters, monthly abstracts of all trials are laid before the Judges of the Court sitting together, when the proceedings of the Sessions Judges are reviewed. In sentences of acquittal which may be disapproved, though the Nizamut cannot interfere so as to affect the sentence, the Judge is admonished.

REVENUE COMMISSIONERS AND BOARD OF REVENUE.

In Bengal and the North-Western Provinces there are Revenue Commissioners, a class of officers superior to Collectors, each of whom has authority extending over a division comprising several collectorates; his duty being that of watching the proceedings of the Collectors therein, and ascertaining that in every respect they are regular and consistent with just principles of administration.

All matters relating to the settlement, collection and administration of the revenue ultimately fall under the superintendence and control of a Board of Revenue, which exercises a general supervision over the proceedings of Commissioners and Collectors. Some arrangements, not dissimilar, exist for the like purposes under the other Presidencies. Appointments to the Revenue Board, and also to the office of Revenue Commissioner, are made by selection from civil servants employed in the Revenue Department.

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* The Dusserah is a Hindoo festival continuing for 10 days, which are appropriated to religious ceremonies.

The Mohurrum is a fast kept by Mahomedans in commemoration of the death of Hossein and Hassein, the two sons of Ali by his cousin Fatima, the daughter of Mahomet.

† If the Judges of the Nizamut concur in the verdict of the lower court, and the prisoner be considered deserving of a higher degree of punishment than could be awarded by the Sessions Judge, he may be sentenced to suffer death, or to undergo imprisonment for 21 years; but if sentenced to imprisonment for life, then transportation for life, either to the penal settlements of Singapore, Penang, or Malacca, the Tenasserim Provinces, Arracan or Aden, would be substituted; but no native of India can be transported to New South Wales or the adjacent islands.

Appendix C.

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Appendix C.

LANGUAGES.

THE Oriental languages taught at Haileybury are—
Persian,*
Oordoo, or Hindostanee,
Sanscrit, and
Teloogoo.

Instruction is also afforded, at the desire of the student, in—
Arabic,
Bengalee,
Hindee, and
Mahratta.

In India, civil servants are required to pass an examination in two languages; viz.—

BENGAL:—
North-West Provinces—Persian and Hindee.
Lower Provinces—Bengalee, with either Persian or Hindostanee.

MADRAS:—
Tamil and Teloogoo.
Encouragement is held out to acquire a third language—
Canarese, Malayala, or Hindostanee.

BOMBAY:—
Hindostanee, with either Mahratta or Guzerattee.

ARABIC is the key to Persian, Oordoo or Hindostanee, Pushtoo, and Sindhee. It is the repository of the Mahomedan faith, and of the laws and civil regulations of Mussulmen.

SANSCRIT is the parent of the dialects of Upper India:—

Hindee,	Cutchee,
Bengalee,	Boondela,
Punjabee,	Brig Bhakhur,
Mahratta,	Ooriya, and
Guzerattee,	Assamese, are all its derivatives.

The dialects of Southern India; viz.—
Teloogoo,
Tamul,
Canarese,
Malayala, and
Cingalese, are also closely dependent upon it.

It is the storehouse of the religious ceremonies of the Brahmin, and the language of the laws of Menu, which may be regarded as the basis of the actual civil law of the Hindoo, and the mainspring of his daily avocations.

Oordoo or Hindostanee, the common language of Mahomedans throughout India, is the primitive † language of the Hindoos, modified by those ‡ of their Mahomedan conquerors. The account given of the Oordoo language is as follows:—

> "When Akbar succeeded to the throne of Delhi, A. D. 1555, various races, Hindoo and Mussulman, presented themselves in the royal city. They differed in language and dialect; but when they came to live and traffic together, one language, termed Oordoo, became definitively fixed."

The aborigines of India are found chiefly in the districts of the south-west frontier of Bengal. Little is known of their aboriginal tongue, designated the language of the "Coles." It is from the hill coolies of these tracts that the emigrants to the British colonies have been principally furnished.

The native languages into which the Legislative Acts of the Governor-general in Council are translated for the benefit of the community are—
Persian,
Bengalee,
Oordoo, or Hindostanee.

As a medium for affording useful information to the native officers of Government, *Gazettes* are published in the Bengalee and Hindostanee or Oordoo languages, for official notifications.

In

* Though the use of Persian has been abolished in the courts of the East India Company, a knowledge of that language is indispensable, inasmuch as Bengalee (as spoken by the lower orders), and Hindostanee or Oordoo, are both largely mixed up with Persian.

† Hindee.

‡ Arabic and Persian; thus, as the English language was formed from the union of Saxon and Norman French, so Oordoo or Hindostanee is the fusion of Persian and Arabic with Hindee.

Appendix C.

In 1837 the use of the Persian language in the judicial courts of the East India Company was abolished, and the vernacular of each district substituted. Judicial decrees, embracing the points to be decided, the decisions thereon, and the reasons for such decisions, are now required to be written, first in the language of the judge (European or native), and subsequently translated into the vernacular of the district in which the suit has been decided.

TRADE AND NAVIGATION.

WITHIN the last 20 years, several restrictions which impeded the growth of commerce have been removed, and India may now be said to enjoy free trade. This state of things has been brought about by—

1st. The abolition of transit or inland duties.*

2d. The removal of export † duties on the staple articles of sugar and cotton.

3d. The equalization ‡ of duties on the cargoes of British and foreign ships.

By the abolition of inland duties, the transit of produce for home consumption was rendered free, and a fresh impetus given to the internal trade of the country.

By the withdrawal of export duties on sugar and cotton, the staple produce of India is enabled to compete in foreign markets with the like productions of other countries.§

By abolishing the distinction between British and foreign ships, the latter, previously discouraged from resorting to India by the imposition of double duties, now enter the ports of India on the same terms as their British competitors, and thus afford a vast addition to the means of transport, and an incalculable increase of facilities for its commerce. The same Act (6 of 1848) removed the impediments which obstructed the coasting trade, by abolishing the levy of duty on goods conveyed from port to port.‖ Further,—Asiatic sailors or Lascars, being natives of India and under the government of the East India Company, are now deemed *British* seamen.¶

The degree of expansion resulting to the commerce of India from these measures may be seen from the following comparative statement:

IMPORTS INTO INDIA.**

	Merchandize.	Treasure.	TOTAL.
	£.	£.	£.
1834-35 -	4,261,106	1,893,023	6,154,129
1849-50 -	10,299,888	3,396,807	13,696,696

EXPORTS.

	Merchandize.	Treasure.	TOTAL.
	£.	£.	£.
1834-35 -	7,993,420	194,740	8,188,160
1849-50 -	17,312,299	971,244	18,283,543

Inland

* Transit or inland duties were abolished in—
Bengal by Act 14 of 1836.
Madras „ 6 of 1844.
Bombay „ 1 of 1838.

† The export of *Sugar* to British ports was rendered free of duty under the Tariff Act 14 of 1836. *Cotton* was exempted from export duty by a notification of the Indian Government, dated 31st December 1847.

‡ *Vide* Act of the Government of India, No. 6 of 1848.

§ The chief remaining *staple* products upon which export duties are now levied are Silk and Indigo; but in repect to Indigo it may be stated, that India produces about five-sixths of the total supply, and a considerable export duty may therefore be levied without affecting the demand, or interfering injuriously with the interests of the producer.

‖ *Vide*, also, Act of the Government of India, No. 5 of 1850.

¶ *Vide* 12 & 13 Vict. c. 29, s. 8.

** The import duty on British manufactures (except cotton thread) amounts to 5 per cent.; on cotton thread, 3½ per cent.; on foreign manufactures, 10 per cent.

Inland customs lines have been established in the interior of the country, between British possessions and the territories of native chiefs. The rates of duty levied nearly correspond with the sea duties.

Although the exports and imports of India have been subject to fluctuation, it will be seen, upon reference to the annexed table, that upon the whole the increase is very considerable. The amount of both imports and exports in the last year of the series is more than double that of the first. Hence it is clear that while the Government revenue has benefited, the people have prospered. It is shown that there has been a greatly increased surplus produce for exportation; and that there is an increased power of consumption is indicated by the imports.

VALUE

VALUE of the IMPORTS between the several Presidencies of BRITISH INDIA and the United Kingdom and other Countries, in each Year, from 1834–35 to 1849–50.

	MERCHANDIZE.						TREASURE.				MERCHANDIZE AND TREASURE.			
	Bengal.	Madras.	Bombay.	TOTAL: United Kingdom.	TOTAL: Other Countries.	TOTAL Merchandize.	Bengal.	Madras.	Bombay.	TOTAL.	Bengal.	Madras.	Bombay.	GRAND TOTAL.
	Rupees.	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*
1834–35 - -	1,99,91,307	50,32,900	1,75,86,858	2,68,22,216	1,57,88,849	4,26,11,065	64,62,248	15,31,150	1,09,36,835	1,89,30,233	2,64,53,555	65,64,050	2,85,23,693	6,15,41,298
1835–36 - -	2,17,03,613	47,23,285	2,13,91,580	3,13,54,106	1,64,64,372	4,78,18,478	68,71,687	11,27,602	1,34,65,362	2,14,64,651	2,85,75,300	58,50,887	3,48,56,942	6,92,83,129
1836–37 - -	2,78,28,965	59,70,276	2,15,70,661	3,83,05,042	1,70,64,860	5,53,69,902	61,25,274	7,59,580	1,34,76,818	2,03,61,672	3,39,54,239	67,29,856	3,50,47,479	7,57,31,574
1837–38 - -	2,46,39,050	60,39,238	1,96,46,423	3,21,06,633	1,82,18,678	5,03,24,711	1,04,88,830	12,85,429	1,46,26,754	2,64,01,013	3,51,27,880	73,24,667	3,42,73,177	7,67,25,724
1838–39 - -	2,63,21,522	64,74,021	1,96,11,224	3,50,59,300	1,73,47,467	5,24,06,767	1,21,90,314	13,11,340	1,66,07,541	3,01,09,195	3,85,11,836	77,85,361	3,62,18,765	8,25,15,962
1839–40 - -	3,34,15,915	68,33,079	1,80,63,374	4,28,94,892	1,54,17,476	5,83,12,368	1,22,67,867	11,24,062	60,60,713	1,94,52,642	4,56,83,782	79,57,141	2,41,24,087	7,77,65,010
1840–41 - -	4,59,07,555	76,89,328	3,05,62,522	6,01,43,398	2,40,16,007	8,41,59,405	91,88,079	6,81,465	79,92,989	1,78,62,533	5,50,95,634	83,70,793	3,85,55,511	10,20,21,938
1841–42 - -	4,26,29,101	67,83,268	2,84,73,284	5,43,95,648	2,34,90,005	7,78,85,653	98,96,176	6,75,609	78,41,568	1,84,13,353	5,25,25,277	74,58,877	3,63,14,852	9,62,99,006
1842–43 - -	3,91,51,858	58,11,805	3,10,72,366	5,35,49,012	2,24,87,017	7,60,36,029	1,64,87,117	7,94,130	1,71,51,669	3,44,32,916	5,56,38,975	66,05,935	4,82,24,035	11,04,68,945
1843–44 - -	4,47,44,726	65,22,637	3,69,10,611	6,34,73,490	2,47,04,484	8,81,77,974	1,75,23,763	11,52,409	2,92,70,609	4,79,46,781	6,22,68,489	76,75,046	6,61,81,220	13,61,24,755
1844–45 - -	5,93,39,902	1,04,68,940	3,77,31,817	7,95,21,795	2,80,18,864	10,75,40,659	1,58,13,651	18,85,612	1,98,25,455	3,75,24,718	7,51,53,553	1,23,54,552	5,75,57,272	14,50,65,377
1845–46 - -	5,23,26,174	84,99,134	3,00,49,486	6,47,71,431	2,61,03,363	9,08,74,794	99,10,058	17,22,976	1,33,26,552	2,49,59,586	6,22,36,232	1,02,22,110	4,33,76,038	11,58,34,380
1846–47 - -	5,31,34,429	88,18,041	2,70,14,175	6,42,04,045	2,47,62,600	8,89,66,645	1,33,62,287	14,71,994	1,45,64,943	2,93,99,224	6,64,96,716	1,02,90,035	4,15,79,118	11,83,65,869
1847–48 - -	4,67,13,614	97,66,641	2,94,95,915	5,79,02,284	2,80,73,886	8,59,76,170	74,72,234	13,21,533	1,09,40,147	1,97,33,914	5,41,85,848	1,10,88,174	4,04,36,062	10,57,10,084
1848–49 - -	4,35,60,144	94,80,720	3,04,07,178	5,51,21,104	2,83,26,938	8,34,48,042	1,41,46,091	11,71,992	2,67,26,950	4,20,45,033	5,77,06,235	1,06,52,712	5,71,34,128	12,54,93,075
1849–50 - -	5,28,31,701	90,60,046	4,11,07,139	7,57,89,807	2,72,09,079	10,29,98,886	1,21,48,653	12,14,371	2,06,05,050	3,39,68,074	6,49,80,354	1,02,74,417	6,17,12,189	13,69,66,960

VALUE of the EXPORTS between the several Presidencies of BRITISH INDIA and the United Kingdom and other Countries, in each Year, from 1834–35 to 1849–50.

	MERCHANDIZE.						TREASURE.				MERCHANDIZE AND TREASURE.			
	Bengal.	Madras.	Bombay.	TOTAL: United Kingdom.	TOTAL: Other Countries.	TOTAL Merchandize.	Bengal.	Madras.	Bombay.	TOTAL.	Bengal.	Madras.	Bombay.	GRAND TOTAL.
	Rupees.	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*
1834-35	4,09,20,436	88,61,079	3,01,52,688	3,05,69,730	4,93,64,473	7,99,34,203	6,65,549	10,63,776	2,18,082	19,47,407	4,15,85,985	99,24,855	3,03,70,770	8,18,81,610
1835-36	5,53,72,967	1,12,14,395	4,44,77,593	3,97,53,038	7,13,11,917	11,10,64,955	5,65,994	3,15,289	1,99,810	10,81,093	5,59,38,961	1,15,29,684	4,46,77,403	11,21,46,048
1836-37	6,68,82,110	1,27,88,009	5,27,31,713	4,91,54,702	8,32,47,130	13,24,01,832	16,13,164	7,26,158	3,00,018	26,39,340	6,84,95,274	1,35,14,167	5,30,31,731	13,50,41,172
1837-38	6,76,53,760	96,62,085	3,51,11,956	4,35,38,221	6,88,89,580	11,24,27,801	14,04,337	10,64,318	9,37,908	34,06,563	6,90,58,097	1,07,26,403	3,60,49,864	11,58,34,364
1838-39	6,79,16,215	1,02,04,828	3,96,26,650	4,51,31,593	7,26,16,100	11,77,47,693	16,27,600	9,12,371	9,39,087	34,79,058	6,95,43,815	1,11,17,199	4,05,65,737	12,12,26,751
1839-40	6,80,09,258	1,22,84,678	2,83,33,520	5,96,99,519	4,89,27,937	10,86,27,456	20,00,174	12,74,464	14,30,593	47,05,231	7,00,09,432	1,35,59,142	2,97,64,113	11,33,32,687
1840-41	8,06,05,651	1,04,41,658	4,35,08,533	7,05,43,881	6,40,11,961	13,45,55,842	14,62,061	8,93,005	13,09,793	36,64,859	8,20,67,712	1,13,34,663	4,48,18,326	13,82,20,701
1841-42	8,06,63,841	1,24,25,824	4,51,62,511	7,12,07,484	6,70,44,692	13,82,52,176	15,91,555	18,04,81	17,54,385	51,50,757	8,22,55,396	1,42,30,641	4,69,16,896	14,34,02,933
1842-43	7,36,34,357	1,30,19,916	4,88,63,973	5,82,09,658	7,73,08,588	13,55,18,246	7,29,341	2,53,172	11,75,453	21,57,966	7,43,63,698	1,32,73,088	5,00,39,426	13,76,76,212
1843-44	9,89,11,098	1,20,86,551	6,15,37,123	7,76,01,283	9,49,33,489	17,25,34,772	18,57,947	2,16,000	53,86,816	74,60,763	10,07,69,045	1,23,02,551	6,69,23,939	17,99,95,535
1844-45	9,82,21,971	1,64,14,627	5,12,65,526	7,24,06,197	9,34,95,927	16,59,02,124	39,65,434	6,50,533	64,52,435	1,10,68,402	10,21,87,405	1,70,65,160	5,77,17,961	17,69,70,526
1845-46	9,81,56,759	1,41,12,172	5,80,17,805	6,65,89,433	10,36,97,303	17,02,86,736	28,70,792	6,57,644	46,31,848	81,60,284	10,10,27,551	1,47,69,816	6,26,49,653	17,84,47,020
1846-47	9,23,43,934	1,51,61,468	4,60,48,973	6,51,16,865	8,84,37,510	15,35,54,375	28,54,043	6,81,699	36,02,954	71,38,696	9,51,97,977	1,58,43,167	4,96,51,927	16,06,93,071
1847-48	7,96,18,571	1,27,72,963	4,07,32,436	5,68,38,267	7,62,85,703	13,31,23,970	90,50,711	21,42,626	30,67,043	1,42,60,380	8,86,69,282	1,49,15,589	4,37,99,479	14,73,84,350
1848-49	9,03,88,639	1,21,24,629	5,83,71,750	6,19,19,593	9,89,65,425	16,08,85,018	78,08,785	73,38,483	1,02,50,157	2,53,97,425	9,81,97,424	1,94,63,112	6,86,21,907	18,62,82,443
1849-50	10,14,80,387	1,27,28,842	5,89,13,764	7,02,64,706	10,28,58,287	17,31,22,993	35,42,058	7,26,378	54,44,005	97,12,441	10,50,22,445	1,34,55,220	6,43,57,769	18,28,35,434

Note.—The Indian Port-to-Port Trade is not included in the foregoing statements.

Appendix C.

SALT.

BENGAL.

THE supply of salt in Bengal is provided partly by manufacture, conducted on account of the Government,* partly by importation, and in one instance † by private manufacture, under a system of excise. The duty ‡ on all imported salt is two-and-a-half rupees per maund of 82 lbs., or about three farthings per lb. The same rate of duty is levied as excise on salt manufactured by private individuals; and the Government salt may be purchased at all times in quantities of not less than 50 maunds, at a fixed price, which is composed of the cost price, with the addition of two-and-a-half rupees per maund, or three farthings per lb. The average cost price of production § is about *Rs.* 80 per 100 maunds, or a trifle below one farthing per lb., thus making the Government selling price under a penny per lb. The supply of salt is no longer a monopoly; its manufacture and sale have not been relinquished by Government, but individuals participate in its provision, both by importation and manufacture, under a combined system of Customs and Excise.

The system of *fixed prices* and *open warehouses* commenced in 1836-37, when the previous system of *fixed quantities* and *periodical sales* was abolished. ‖

	Maunds of 82 Pounds.
During the seven years commencing with 1837-38, and ending with 1843-44, the duty on salt was *Rs.* 3. 4 *a.* per maund. The annual average ¶ quantity of salt sold and imported during that period was - - - - - - - - -	4,627,030
In November 1844, the duty was reduced to *Rs.* 3 per maund, and the annual average sale increased to - - - - -	4,966,917
In April 1847, the duty was further reduced to *Rs.* 2. 12 *a.* per maund, and the annual sale amounted to - - - - -	5,452,909
In April 1849, the duty was again subjected to reduction, when it was fixed for five years at its present rate of *Rs.* 2. 8 *a.* per maund.	

It will thus be seen that in the five years above adverted to, the reduction effected in the salt-tax amounted to nearly 25 per cent.; but it would appear that no further reduction can for the present be expected, consistently with the maintenance of the revenue, the last reduction, in 1849, having led to no further increase of consumption.

NORTH-WESTERN PROVINCES.

The supply of salt to the North-West Provinces is furnished partly from the Lower Provinces of Bengal, and partly from the Sambhur Salt Lake,** in Rajpootana, and other localities on the western side of India. The salt of Bengal having paid the excise or import duty of *Rs.* 2. 8 *a.* per maund, passes free into the North-West Provinces. The Sambhur and other salt, on crossing the north-western frontier customs line, is subjected to a duty of two rupees per maund, and to a further duty of half a rupee †† per maund on transmission to the eastward of Allahabad, thus coming into competition with the salt of Bengal under an equal duty of *Rs.* 2. 8 *a.* per maund.

MADRAS.

At Madras salt is manufactured on account of Government, and sold for internal consumption at one rupee per maund, or under one farthing per lb. ‡‡ The duty on imported foreign

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* The manufacture is carried on, not by hired labour on the part of the Government, but by a system of pecuniary advances; the parties receiving them being bound to deliver, at a fixed price, all the salt manufactured. Probably 100,000 labourers (called molunghees) are engaged in the manufacture in the Sunderbunds.

† Mr. Prinsep's salt-works at Narrainpore.

‡ The duty is levied at the time of the clearance of the salt from the bonded warehouses.

§ The salt agencies are located along the head of the Bay of Bengal, viz. at Hidgelee, Tumlooke, Chittagong, Arracan, Cuttack, Balasore, Khoredah.

‖ As recommended by the Select Committee of the House of Commons in 1836. All the recommendations of that Committee have now been fully and fairly carried out; viz.—

1st. Open warehouses and fixed prices.

2d. Imported salt to be subjected to the same rate of duty as native manufactured salt.

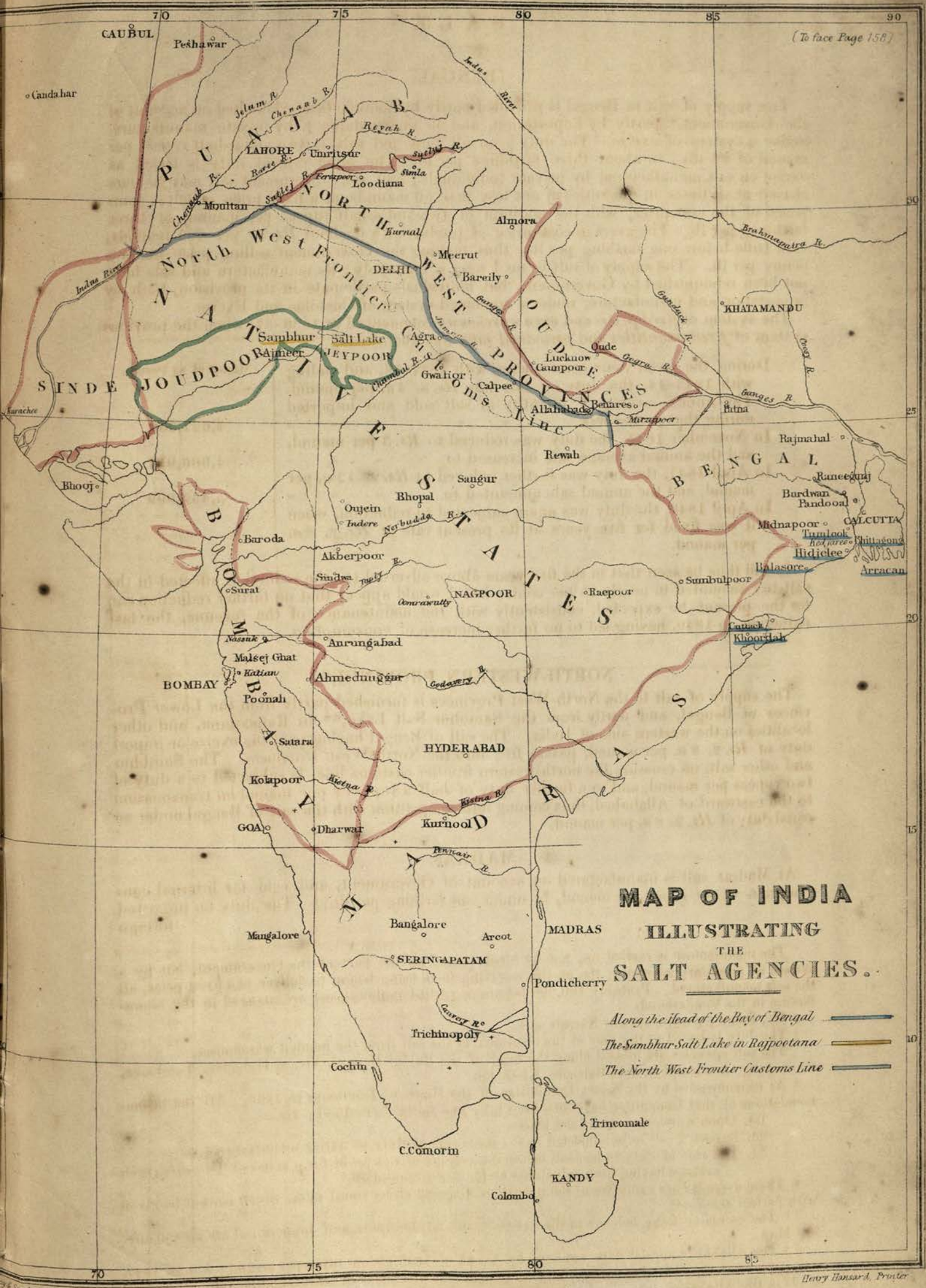
3d. The rate of duty to be fixed below the average of net profit for a series of 10 years (such average having been calculated at *Rs.* 3 per maund).

¶ These averages are exclusive of the quantities disposed of by retail sales, which cannot be given with perfect accuracy.

** The Sambhur Lake belongs to the native States of Joudpore and Jeypore.—*Vide* accompanying Map.

†† The Allahabad special duty was fixed by Act 14 of 1843 at one rupee per maund; but in 1847, and again in 1849, when reduction of duty on Bengal salt was effected, corresponding reductions were made in the Allahabad duty.

‡‡ By Act 6 of 1844, sect. 43, the selling price of the Government salt was fixed at *Rs.* 1½ per maund. It has subsequently been reduced to one rupee, by order of the Court.



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foreign salt was three rupees per maund; but it has been recommended by the home authorities that the import duty should (as in Bengal) be equal only to the difference between the selling price and the cost of manufacture: the difference between the cost price and the price at which the salt is given out for consumption being the duty to be realised.

BOMBAY.

In Bombay the manufacture of salt is carried on by individuals, but subject to an excise duty of 12 annas (1 *s.* 6 *d.*) per maund,* a similar duty being imposed on imported salt. Salt exported from this presidency to Calcutta is subject to the above excise duty, but credit for that amount is given at Calcutta in the adjustment of the local duty. Facilities are also afforded for the export of salt to Malabar, Travancore, Cochin, and other places.

PUNJAUB.

The excise duty on salt at the Punjaub Salt Mines has been fixed at two rupees per maund.

English salt, it is said, may be laid down at Calcutta at 44 *s.* per ton, or about *Rs.* 80 per 100 maunds.†

According to another authority,‡ *Rs.* 65 per 100 maunds is the lowest possible rate at which the transaction could be effected. But salt from the Persian Gulf and other Arab States is laid down at Calcutta at *Rs.* 40 per 100 maunds. It is, therefore, the high cost of producing Bengal salt (*Rs.* 80 per 100 maunds) which alone enables English salt to keep a footing in the Calcutta market.

In Bengal salt is obtained by boiling the sea-water.

In Bombay and Madras the process is that of solar evaporation.

In the Punjaub it is extracted in a pure state from the salt mines.

The Sambhur Salt Lake, in Rajpootana, overflows during the rains, and when the waters subside, a deep incrustation of salt is deposited on its shores for several miles round.

Salt purchased at Calcutta at 1 *d.* per lb., the Government price, is sold at Benares (400 miles from Calcutta, where it comes into competition with the salt from Rajpootana), at 12 lbs. the rupee, or 2 *d.* per lb.; and, moreover, it is stated to be then considerably adulterated. The consumption of salt in India has been usually estimated § at 12 lbs. per head per annum; and assuming the wages of agricultural labour ‖ at three rupees per mensem (the rate now paid on the Calcutta and Bombay mail-road, and also to village watchmen), it would, at Calcutta, absorb the income of five days' labour to provide the quantity required for a year. The salt duty thus operates as a tax of about 1½ per cent. upon the labourer's wages, if he have none but himself to provide for. If he have a wife or children, the per-centage will of course be increased by the amount of their consumption. It is to be observed, however, on the other side, that the wife and children would generally contribute something to the common fund by the earnings of their labour, and thus again reduce the per-centage.

At Benares, the purchase of the same quantity of salt (12 lbs.) would absorb 10 days' earnings, thus constituting a charge of three per cent. on the labourer's income. But for this additional charge the Government duty is in nowise accountable. The difference in price is occasioned by the cost of conveyance, profits of trade, wastage, &c., the ordinary charges of commerce.¶

The pressure of the salt tax on the labourer cannot be regarded as severe, inasmuch as it is the only way in which he contributes to the pecuniary necessities of the State; in all other respects he is not necessarily subject to taxation.

The preceding remarks apply to the Upper and Lower Provinces of Bengal. In the territories of Madras and Bombay, the duty on salt is only about one-third of that which prevails in Bengal; but from other causes the mass of the people are believed to be in inferior circumstances to those of Bengal. In Madras they are still subject to various taxes (moturpha tax, duty on tobacco, &c.), which have been abolished elsewhere.

A comparison of the amount of salt produced, with the numbers of the population consuming it, will show that the estimate which assigns 12 lbs. as the ordinary annual consumption

* The duty on salt on delivery from salt-works was fixed, by Act 27 of 1837, at half a rupee per maund. It was subsequently increased to one rupee per maund by Act 16 of 1844, and reduced to 12 annas, its present price, by order of the Court in the same year.

† Aylwyn on Salt Trade.

‡ Calcutta Review.

§ Report of Board of Customs, Salt and Opium: Calcutta, 1819. Also, Calcutta Review, 1847.

‖ In 1846, 2,000 labourers were engaged for employment on the Calcutta and Bombay mail-road, at *Rs.* 3 per head per mensem. *See* also, Regulation XXII. of 1816, sect. 4.

¶ Of these the principal item is cost of carriage; but on the completion of the railway now in progress, this will be greatly reduced in the districts which it traverses. It is computed that the expense of conveying a ton of merchandize will not exceed 2 ¾ *d.* per mile; consequently salt may be carried from Calcutta to Benares for one halfpenny per lb.

Appendix C.

tion of an individual is nearly in correspondence with fact. The quantity of salt sold wholesale and retail, or imported, was, in 1846–47, as under:—

	Maunds of 82 Pounds.
Bengal	6,166,258
North-West Provinces	2,670,943
Madras	4,587,720
Bombay	2,573,625
	15,998,546
	82
	31,997,092
	127,988,368
	1,311,880,772 lbs.

If the entire population of *British* India be assumed at 99,000,000, which, from the latest official information, may be considered as about its actual extent, the above-mentioned quantity of salt would afford to each individual about 13 lbs., the facts collected by statistical research thus corroborating an estimate founded on observation of the habits of the people.

The following Table exhibits the quantity of salt imported into Calcutta from all countries, and also from England, for the last seven years.*

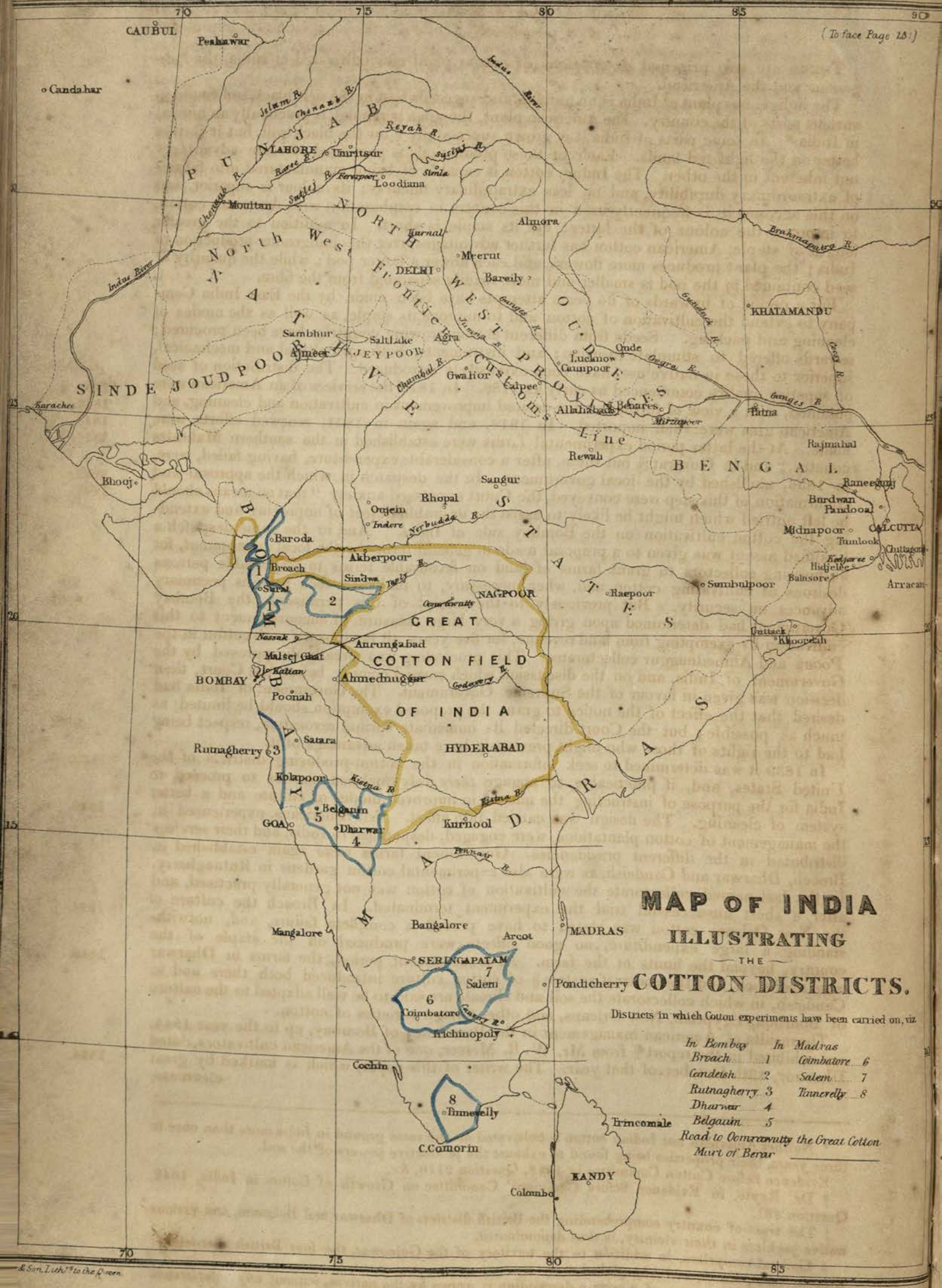
	Imported from all Countries.	From England.
	Maunds.	*Maunds.*
1844–45	970,595	791
1845–46	1,581,968	502,616
1846–47	1,466,744	352,835
1847–48	1,615,084	752,998
1848–49	1,626,706	459,803
1849–50	2,126,848	624,673
1850–51 (the first six months of)	1,455,007	672,092

STATEMENT, exhibiting the NET REVENUE derived from SALT from all Sources; viz. Government Sales, Excise on Private Manufacture, and Customs Duty, from the year 1839–40.

YEAR.	Bengal.	North-West Provinces.	Madras.	Bombay.	TOTAL.
	Rupees.	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*
1839–40	1,61,94,188	26,90,511	33,82,422	12,72,209	2,35,39,330
1840–41	1,63,80,084	24,43,614	30,21,805	14,58,218	2,33,03,721
1841–42	1,57,50,967	26,81,822	33,61,806	13,42,601	2,31,37,196
1842–43	1,64,33,412	25,06,731	32,10,959	16,25,339	2,36,76,441
1843–44	1,55,78,010	35,86,467	37,35,644	16,99,579	2,45,99,700
1844–45	1,60,42,730	47,82,645	37,81,369	18,47,502	2,64,54,246
1845–46	1,49,09,021	37,75,196	40,34,020	21,01,109	2,48,19,346
1846–47	1,62,79,725	52,47,071	39,84,188	17,77,565	2,72,88,549
1847–48	1,63,83,668	48,26,209	41,94,855	23,45,006	2,79,49,738
1848–49	1,41,44,321	45,65,642	37,69,440	21,06,855	2,45,86,258
1849–50	1,61,07,384	53,79,810	38,33,312	21,57,591	2,74,78,097†

* Board of Customs, Salt and Opium.

† Government Sales and Excise Duty — *Rs.* 1,75,98,287
Customs Duty on importation by sea — 45,00,000
On passing North-west frontier customs line — 53,79,810
Rs. 2,74,78,097



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COTTON.

THERE are two principal descriptions of cotton plant now cultivated in India, the indigenous and the American.

The indigenous plant of India is an annual, and succeeds best in the rich black soil found in various parts of the country. The American plant, though a perennial, is practically an annual in India.* In some parts of India it is grown successfully † on the black soil, but it thrives better on the light red lands. Each of these productions is possessed of some advantages not inherent in the other. The Indian cotton is capable of being manufactured into fabrics of extraordinary durability, and no less extraordinary fineness; its colour is superior, and on this account it is frequently used in this country in combination with American cotton, to improve the colour of the latter; but its staple is short. In addition to the greater length of staple, American cotton has further advantages over the indigenous production of India; the plant produces more flowers, and each flower a larger pod; while the quantity of seed contained in the pod is smaller and more readily separated from the fibre.

For a period of upwards of 60 years attempts have been made by the East India Company to extend the cultivation of cotton and to improve its staple, as well as the modes of cleaning and packing. Seeds from different cotton-growing countries have been procured; rewards offered to stimulate exertion; and instruments, both agricultural and mechanical, superior to those in native use, have been extensively introduced. The distribution of seed of superior quality commenced as early as 1788. In 1813 the services of an American were obtained, with a view of furthering the desired improvement in cultivation and cleaning, and American gins were then imported. In 1818, and again in 1831, renewed efforts were made. At the latter period experimental farms were established in the southern Mahratta country,‡ and in Guzerat;§ but these, after a considerable expenditure, having failed, were, in 1836, abolished by the local government. In the despatch in which the approval and confirmation of this step were conveyed, the Court expressed anxiety "that no means should be left untried which might be likely to assist the desirable object of improving and extending the cotton cultivation on the Bombay side of India." And in the same despatch a qualified assent was given to a proposal made in general terms by the local government, for authorising collectors to grant farms of land on favourable terms to respectable persons desirous of cultivating cotton, and, when necessary, to make to such persons pecuniary advances on security. But previously to the receipt of this permission, the Bombay Government had determined upon giving a very large measure of encouragement to this cultivation by exempting from land revenue, for five years, all lands sown with cotton in the Poona and Ahmednuggur collectorates. This proceeding was greatly disapproved by the Government of India, and on the discussion which ensued coming before the Court, their decision was given in favour of the Supreme Government. The Government of India had desired that the effect of the notice to grant the proposed exemption should be limited as much as possible; but the Court directed its immediate formal revocation, respect being had to the rights of those who might previously have taken advantage of it.

1788.
1813.
1818.
1831.
1836.
1838.

In 1839 it was determined to seek information in the cotton-producing districts of the United States, and, if practicable, to engage *there* duly qualified persons to proceed to India for the purpose of instructing the natives in improved modes of culture and a better system of cleaning. The design was carried into effect. Ten Americans, experienced in the management of cotton plantations, were engaged, despatched to India, and their services distributed in the different presidencies. Government farms were again established in Broach, Dharwar and Candeish, as were also experimental cotton gardens in Rutnagherry. In the last-named collectorate the cultivation of cotton was not generally practised, and after a short unsuccessful trial the experiment terminated. In Broach the culture of the New Orleans cotton was stated to have proved a complete failure, and, notwithstanding a large expenditure, no good effects were produced on the staple of the country, beyond the limits of the farm. At a subsequent period, the farms in Dharwar were abolished, and the contract system‖ of cotton culture introduced both there and in Candeish, in which collectorate the soil and climate are said to be well adapted to the culture of Bourbon, Egyptian, New Orleans, and other foreign varieties of cotton.

1839.
1840.
1844.
1846.

The results of American management in the Presidency of Bombay, up to the year 1844, are exhibited in the report¶ from Mr. W. R. Mercer, one of the American cultivators, dated Dharwar, 12th October of that year. The writer of this paper, which is marked by great clearness,

1844.

* Neither American nor Indian cotton is cultivated on the same ground in India more than once in three years, their properties being found to exhaust the productive powers of the soil.
Evidence before Cotton Committee in 1848, Question 2110, &c.

† Dr. Royle, in Evidence before Commons' Committee on Growth of Cotton in India, 1848, Question 481.

‡ The tract of country comprehending the British districts of Dharwar and Belgaum, and various native jaghires in their vicinity, is thus denominated.

§ Guzerat comprises, in addition to the territory of the Guicowar, the four British districts of Broach, Surat, Kaira, and Ahmedabad.

‖ That is, where cotton of a certain description is grown by the natives, without any interference on the part of the Government beyond an engagement to receive the produce at a fixed price.

¶ East India Company's Manuscript Documents.

Appendix C.

clearness, fairness and intelligence, affirms that Indian cotton has long been known to possess two very remarkable qualities: it "mills" or swells in bleaching, thereby yielding a more substantial fabric; it takes and retains colour better than American cotton; and it would command a good market, provided it were sent in regular supply and of uniform cleanness. Mr. Mercer further expresses his opinion, that the capability of furnishing an article suited to the manufactures of Great Britain is not limited to Broach and Surat, but extends to the whole of Candeish, the southern Mahratta country, and other parts of Western India; the capabilities of the North-Western Provinces, and large portions of the eastern and southern parts of the Madras territory being inferior. The difference of price between the cotton of Broach and Surat, being *sea-board* districts, and that of other more inland districts, he attributes to "difference of handling, and the distance and badness of the routes over which the latter travels." After discussing the comparative effects of soil, climate and culture (to the second of which he attributes great importance), Mr. Mercer comes to the conclusion that the natives of large tracts already employ a mode of cultivating the cotton plant in principle nearly the same as the American, but better suited in some respects to locality, &c.

The great inferiority of much of the Indian article, he says, is the result of what befalls it subsequent to its production in the fields, that is, in the way in which it is gathered and stored, and chiefly the way in which it is separated from the seed and prepared for market, as well as in its transmission to market. At the gathering, in his opinion, the effort for improvement should commence.

1846. Various improvements having been made in the cotton saw-gin, with a view to render it more suitable to Indian use, the Court, in 1846, desirous of arriving at a just conclusion in regard to the results, as exemplified in Bombay saw-ginned cotton, directed consignments to be made annually of 6,000 bales, to be continued for a period of three years; and in the following year, with a view of testing the capabilities of the different districts, directions were given that the annual consignment should consist of equal quantities of New Orleans and indigenous cotton, and should be drawn from the four collectorates in which measures for the improvement of the article were in progress; viz., Dharwar, Belgaum, Broach and Candeish. It may here be mentioned, that in forwarding to Bombay the account sales of this cotton, the results were stated to be highly satisfactory. Very favourable opinions were pronounced on the article by spinners and other competent judges, and the prices realized were good, for some samples high. In fact, the question as to the capability of India to produce cotton suitable for the use of British manufactures might thenceforth be considered settled.

1848. In 1848, in adverting to the promised supply from the four collectorates, the Court intimated their desire that Government should abstain from entering the market as large purchasers of cotton from American seed, if it found a ready sale among local dealers. The superiority of that cotton being generally recognized in the South Mahratta country, they were of opinion that Government might confine their operations to the supply of seed, and the introduction of improved methods of cleaning by saw-gins, &c.

1849. In the Madras territories, cotton farms were established in the districts of Coimbatore, Tinnevelly and other localities.* These farms have been recently discontinued, the object for which they were formed having been fully attained, by demonstrating that the soil and climate are capable of producing cotton suitable to the British market.

It thus appears that within the two subordinate Presidencies there is a considerable extent of country, the soil and climate of which are well adapted to the growth, not only of the indigenous cotton plant, but also of the American plant. The experiments have, moreover, brought to light a fact, which might have admitted of some doubt, viz. that for the most part the Natives are well acquainted with the proper modes of cultivation, and that little or no advantage is likely to be gained from further interference with the ordinary course of agriculture and trade. An ample provision of seed of the superior kinds of cotton for the use of the cultivators (till such time as, by its general diffusion, all interference, even in this way, on the part of the Government, shall become unnecessary) seems all, as far as cultivation is concerned, that can now be beneficial.

The cleaning and packing of the cotton seem, however, still to be very far from perfect, and the introduction of improved methods continues to engage the attention of the home authorities.*

The duty on the export of cotton, and the inland transit duty, having been abolished, all the encouragement that can properly be afforded by fiscal regulations has been extended to this production. There remains another mode in which Government can promote the extension of the growth of cotton and the improvement of its quality, viz. by facilitating the construction of tramways and railroads, where the anticipated amount of traffic would justify the outlay. In some districts the expenses of cultivation and assessment are not so heavy as the expense of carriage to market.

In competition with America for the British trade, India will always have to encounter the disadvantage of distance. But it is not too much to hope that this may be greatly moderated, especially as the cotton manufactures of Great Britain appear to require new and increased sources of supply. Indian cotton is adapted to varieties of goods amounting in weight to about 75† per cent. of the total cotton manufacture of Great Britain. The cultivation

* The services of some of the American planters, Mr. Blount, Mr. Frost, and others, have been re-engaged for the purpose of preparing machinery, superintending cotton experiments, &c. *Vide* Court's Correspondence, 1852.

† Chapman on Cotton and Commerce of India, page 4.

cultivation has to contend with sundry disadvantages,* but these are compensated by the cheapness † of the cost of production; this, in many parts of India, being only 1½ *d.* per lb., while in America it is from 50 to 100 per cent. more,‡ ranging from 2½ *d.* to 3 *d.*

The power of contributing to the required supply is, however, limited by circumstances, some of which only would appear to be under control. The cotton of the Lower Provinces of Bengal is said to be unsuitable to the British market. In the North-west the experimental culture was tried to a certain extent without success, but discouraging incidents appear to have led, in some degree at least, to its somewhat premature abandonment. At Madras, improvement in quality has been simultaneous with extended cultivation; but from the latest official information it would appear that even if the whole of the lands in that Presidency adapted for the production of cotton were so appropriated, the supply, after deducting the quantity required for local consumption and export to China, would bear a very small proportion to the wants of the British market.§ Looking to existing circumstances, it will be seen that if, instead of a part only, the present entire export of cotton from Madras found its way to Great Britain, it would not furnish 2 per cent. of the supply required by the British manufacturers.

For many years past the chief supply of *Indian* cotton, both to Great Britain and the world at large, has been furnished from the port of Bombay, the greater part being raised in Guzerat; ‖ but a just view of the extent and capabilities of the whole of the cotton land lying along the Gulf of Cambay ¶ would lead to the conclusion, that the present growth of Guzerat cotton cannot be materially increased.

Taking the last four years of the Tabular Statement at the end of this paper, the export of cotton from India may be regarded as having attained an amount of between 160,000,000 lbs. and 170,000,000 lbs. per annum ;** and it would not appear that in the present condition of India this supply can be greatly exceeded; for though the export of cotton from India to Great Britain fluctuates from year to year (sometimes to the extent of 60 or 70 per cent.),†† yet

* The inferior productiveness of the Indian soil and inferior yield of the cotton plant, the combined operation of the *two* causes, restrict the average out-turn to 100 lbs. of clean cotton per acre, while in America the same area gives at least double the quantity.

† Evidence before Cotton Committee, 1848. Manufacturers of coarse goods in Manchester have a table, by which they see at a glance the respective prices at which American and Indian cotton are equivalent to each other.

Evidence before Cotton Committee, 1848, Questions 632, 1206.

‡ *Vide* Bazley's Evidence, Question 769; also Memo. from Mr. Turner, Chairman of Manchester Commercial Association, page 67, note.

§ *See* Note A. at the end of this Paper.

‖ The total export of cotton from India in 1849–50 was 165,655,220 lbs. The Bombay contribution to this total amounted to 150,754,963 lbs., of which 94,226,779 lbs. was the growth of Guzerat. (Report on Internal and External Commerce.)

¶ *See* Note B.

** Exports to all Countries.

	Lbs.
1846–47	169,080 831
1847–48	160,317,295
1848–49	168,631,466
1849–50	165,665,220

The Exports of 1849–50 are made up as follows:

	To England.	To all other Places.	Total.
	Lbs.	*Lbs.*	*Lbs.*
From Bengal	27,306	1,817,971	1,845,277
„ Madras	5,026,023	8,038,957	13,064,980
„ Bombay	105,637,028	45,117,935	150,754,963
	110,690,357	54,974,863	165,665,220

†† Exports of Cotton.

	To Great Britain.	China and other Ports.	Total.
	Lbs.	*Lbs.*	*Lbs.*
1848–49	67,203,519	101,427,947	168,631,466
1849–50	110,690,357	54,974,863	165,665,220

Appendix C.

yet it will be seen, on reference to the Tabular Statement, that the increased or diminished amount is invariably attended by a corresponding diminution or increase in the supplies to other countries, and that the aggregate annual export from India remains without variation. It may therefore be fairly inferred that the quantity of cotton which, under current prices, India can export at a profit, does not greatly exceed 170,000,000 lbs. per annum.

The average yield of clean cotton in India being not more than 100 lbs. per acre, and cotton being cultivated on the same ground once only in three years, it follows, that to produce the quantity now exported annually, an area equal to upwards of 5,000,000 of acres, or nearly 8,000 square miles, must be appropriated to the purpose.

But if by means of railroads the great cotton * field of Berar, situate within the dominions of the Nizam or Rajah of Hyderabad, were placed nearly on an equality in point of facility of transport with the maritime cotton districts, then a breadth of land sufficient for the growth of a quantity equal to the full demand of Great Britain might at once be made available. It is, however, only by means of a railroad that the territory of Berar can be placed in a position to become a cotton-exporting country.†

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* Evidence before Commons' Committee on Growth of Cotton in India, Questions 1822–4850.

† *Vide* Note C. at the end of this Paper.

STATEMENT,

STATEMENT, exhibiting the Quantities of COTTON EXPORTED from INDIA to GREAT BRITAIN and other Places; showing also the TOTAL IMPORTS into GREAT BRITAIN, together with the Prices of INDIAN and AMERICAN COTTON at LIVERPOOL.

YEARS.	BENGAL.		MADRAS.		BOMBAY.		TOTAL.			Total Imports into Great Britain from India and elsewhere.	PRICES AT LIVERPOOL.	
	England.	Other Parts.	England.	Other Parts.	England.	Other Parts.	England.	Other Parts.	TOTAL.		Indian.	American.
	Lbs.	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Pence p' lb.*	*Pence p' lb.*
1834-35	3,051,190	25,858,616	3,039,500	1,712,500	32,177,712	32,408,532	38,268,402	60,051,648	98,320,050	326,875,425	5 — 6 2/4	7 7/8 — 9 3/8
1835-36	11,681,706	45,997,884	7,761,500	11,974,500	45,795,596	32,398,996	65,238,802	90,371,380	155,610,182	363,702,963	6 1/4 — 7 1/2	8 — 10 1/8
1836-37	1,586,408	34,546,456	8,316,000	18,873,500	68,163,901	47,091,927	78,066,309	100,511,883	178,578,192	406,959,057	4 — 7	8 — 10 1/4
1837-38	380,074	16,040,490	1,256,500	3,908,000	38,100,472	59,062,944	39,737,046	79,011,434	118,748,480	407,286,783	2 3/4 — 4 3/4	4 7/8 — 7 1/2
1838-39	293,350	17,464,702	2,400,500	8,569,000	31,800,887	69,547,360	34,494,737	95,581,062	130,075,799	507,850,577	3 3/4 — 5 1/2	5 1/2 — 7 1/8
1839-40	2,100,346	12,727,978	12,991,500	6,978,500	59,001,134	34,209,152	74,092,980	53,915,630	128,008,610	389,396,559	4 — 6 3/8	6 — 8 5/8
1840-41	106,434	14,973,440	3,888,500	8,650,500	81,581,688	49,981,749	85,576,622	73,605,689	159,182,311	592,488,010	3 7/8 — 4 7/8	5 5/8 — 6 5/8
1841-42	365,620	8,879,191	13,384,000	10,610,500	104,795,091	56,221,477	118,544,711	75,711,168	194,255,879	487,992,355	3 1/2 — 5	5 3/8 — 6 3/4
1842-43	158,732	14,024,418	2,629,000	21,319,500	69,839,914	81,939,416	72,627,646	117,283,334	189,910,980	531,750,086	3 1/4 — 3 5/8	4 3/4 — 5 1/4
1843-44	143,142	16,404,798	1,576,500	12,933,500	91,781,824	79,662,004	93,501,466	109,000,302	202,501,768	673,193,116	2 7/8 — 3 3/4	4 — 5 1/8
1844-45	109,636	16,469,184	7,166,000	18,908,500	50,854,590	70,969,407	58,130,226	106,347,091	164,477,317	646,111,304	2 1/2 — 4 1/8	3 7/8 — 5 7/8
1845-46	12,154	7,691,580	3,123,000	7,160,000	40,042,243	68,248,573	43,177,397	83,100,158	126,277,550	721,979,953	2 5/8 — 3 1/8	3 7/8 — 4 1/2
1846-47	- - -	9,510,814	3,466,500	9,270,000	87,607,744	59,225,773	91,074,244	78,006,587	169,080,831	467,856,274	2 5/8 — 4 5/8	4 1/8 — 7
1847-48	1,624,433	11,147,072	3,147,746	6,315,332	89,429,561	48,653,151	94,201,740	66,115,555	160,317,295	474,707,615	3 1/4 — 5	4 3/8 — 7 1/8
1848-49	30,513	2,907,098	3,033,728	8,257,037	64,139,278	90,263,812	67,203,519	101,427,947	168,631,466	713,020,161	2 3/4 — 3 5/8	3 1/2 — 5
1849-50	27,306	1,817,971	5,026,023	8,023,957	105,637,028	45,117,935	110,690,357	54,974,863	165,665,220	775,469,000	3 — 4 1/2	4 — 6 1/2

Appendix C.

Note A.

The Board of Revenue at Madras have given the particulars of the extent of land actually producing cotton, and capable of producing it, founded on information furnished by the collectors in each district, in answer to queries transmitted by order of the Court of Directors. From the statement submitted, it appears that the present extent of cotton land annually cultivated does not exceed 676,006 acres, or 1,056 square miles. Adding that which is *said to be capable of producing cotton*, the result will be 1,010,852 acres, or 1,579 square miles. In regard to Coimbatore, the quantity of land capable of producing cotton is not specified; but making the most liberal allowance which the limits of probability will admit, and quadrupling the quantity now under such cultivation within that district, the cotton-producing land of the Madras Presidency will not in the whole exceed 1,304,340 acres, or 2,038 square miles; which, at the rate of 100 lbs. of clean cotton per acre, will yield an annual average of 130,434,000 lbs. Deducting from this amount the quantity now exported to China, and that required for local consumption, the residue would not exceed one-twelfth part of the annual requirements of Great Britain.

Note B.

Guzerat.—Extent of Cotton Land round the Gulf of Cambay.

	Miles.	
Length - - - -	220	
Breadth - - - -	30	
	6,600	
	640	
¼)4,224,000		Acres; but part being unsuitable for cotton, 1–4th instead of 1–3d may be estimated as cultivated with cotton under rotation of crops.
	1,056,000	
	100	lbs. per acre.
	105,600,000	lbs. utmost yield of clean cotton in Guzerat.

Note C.

That cotton cannot be conveyed at a profit from Berar, except by railway, may be proved by the analogous case of salt.

Salt, having paid duty at 2½ rupees per maund, is sold at Benares (400 miles from Calcutta), according to the Government *Gazette*, at 12 lbs. the rupee, or 2*d.* per lb.

At Calcutta, the price of salt is 1 *d.* per lb., which is thus made up:—

Duty, at 2½ rupees per maund of 82 lbs. - - -	0¾ *d.*
Cost of manufacture - - - - - - -	0¼
	1 *d.* per lb.

The cost of conveyance of salt for 400 miles, and other necessary charges, therefore, enhance the price 1 *d.* per lb., exclusive of the gain made by adulteration, which, it is said, takes place extensively. The cost of conveying cotton could not be less,* but by railway it might be carried for 2¾ *d.* per ton per mile. Cotton might, therefore, be conveyed from Oomrawuttee, and other cotton marts in Berar, to Bombay (400 miles), for 0½ *d.* per lb.; and thus brought to market at a price ranging from 15 to 20 per cent. cheaper than at present, it would be enabled to compete with cotton from America:—

1 ton = 2,240 lbs. 400 miles, at 2¾ *d.* per mile = 1,100 *d.* or 0½ *d.* per lb.

Price of cotton, Berar - - - - - - - -	1½ *d.* per lb.
Conveyance to Bombay per rail - - - - - -	0½ „
Freight to England at 3 *l.* per ton of 1,375 lbs. measurement -	0½ „
	2½ *d.* per lb.

* The wastage on cotton in transit appears to be equal to that on salt. In the Revenue Letter from Madras, dated 19th September 1848, the rate of loss on cotton in transit to the place of export is stated at from 2 to 8¼ per cent.

OPIUM.

BENGAL.

In Bengal, the revenue from opium is realised by means of a Government monopoly. No person within the Bengal territories is allowed to grow the poppy except on account of the Government.* Annual engagements are entered into by the cultivators, under a system of pecuniary advances, to sow a certain quantity of land with the poppy, and the whole produce in the form of opium is delivered to the Government at a fixed rate.† The engagements ‡ on the part of the cultivators are optional.

The ordinary consequences of monopoly, increase of price to the consumer, and restriction on the employment of capital and industry, are not wanting in the working of the opium revenue system. The free cultivation of the poppy would doubtless lead to the larger outlay of capital, and to greater economy in production. But the poppy requires the richest description of land, and its extended cultivation must therefore displace other products. The price, too, is almost wholly paid by foreign consumers, viz., Chinese, Malays, &c., § and in obtaining the largest returns with the smallest outlay, the best interests of India would appear to be consulted.

BOMBAY.

Opium grown and manufactured within the territories of Bombay is held to be subject to the duty of *Rs.* 12 per Surat seer, ‖ imposed by Bombay Regulation XXI. of 1827, upon opium "imported or brought into any harbour, or roads, or port, or place, either by land or sea, within the presidency of Bombay, or territories subordinate thereto;" and this duty must be paid before its removal. The object of this heavy duty is to discourage its production. The cultivation of the poppy is stated to have ceased in the district of Ahmedabad in 1839, and nearly so in those of Kaira and Candeish. In Scinde the production of opium has been prohibited. The Government purchase all that is produced in Bombay, and supply, through the licensed retailers, the quantity required for home consumption.

CENTRAL INDIA.

A large revenue is derived from the transit of the opium of Malwa through the British territories to Bombay for exportation to China. Previous to the year 1831 the British Government reserved to itself a monopoly ¶ of the article, which was purchased by the British resident at Indore, and sold by auction, either at Bombay or at Calcutta. But in that year it was deemed advisable, chiefly on account of the large quantity of opium smuggled to the Portuguese settlements of Demaun, &c., on the coast, to relinquish the monopoly, to open the trade to the operations of private enterprise, and to substitute, as a source of revenue, in place of the abandoned system, the grant, at a specified rate, of passes to cover the transit of opium through the Company's territories to Bombay. In determining the amount of transit duty, it was proposed to be guided by a comparison of the cost of transit direct to Bombay, with that of the transmission of the drug to the coast by the cheapest of the more circuitous routes through the territories of native states; and on the basis of such a comparison it was fixed at *Rs.* 175 per chest of 140 lbs. each. In 1835, the results of the preceding official year being unfavourable, the shipments of opium from Bombay having largely declined, while those from Demaun had greatly increased, the rate was reduced to *Rs.* 125 per chest.

The subjugation of Scinde afforded opportunity for the levy of a higher rate. Down to the period of that event, a large portion of the opium of Malwa had been conveyed through Scinde to Kurrachee, and thence onwards to the Portuguese ports of Diu and Demaun. That route was now closed, and it was reasonably expected that an advance might be made in the charge of passes, without risk of loss to the revenue from a diminished demand for them. The rate was accordingly increased, in October 1843, from *Rs.* 125 to *Rs.* 200 per chest.

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* The cultivation of the poppy was prohibited in Bengal by Regulation VI. of 1799, sect. 3; and in the North-West Provinces by Regulation XLI. of 1803, sect 2.

The importation of opium into Bengal is virtually prohibited, the duty being fixed at *Rs.* 24 per seer of 2 lbs., or about double the amount of its present selling price at the Calcutta Government sales.

† *Rs.* 3½ per seer, or about 3*s.* 6*d.* per lb.

‡ In the month of August contracts are entered into with the ryots, and an advance without interest of *Rs.* 4 per beega (nearly two-thirds of an acre) granted by the Government. The sowings commence in November, when another advance is made of *Rs.* 3 per beega. Again, in January and February, when the crop arrives at maturity, a third advance of about *Rs.* 3 per beega takes place to assist the cultivator in gathering the produce. The crop is collected by the end of March.

§ Under the Convention of 1815, the French Government of Pondicherry are supplied with 300 chests of opium annually, at the average price obtained at the Calcutta sales.

‖ The Surat seer consists only of 35 tolahs; the duty on opium is, therefore, somewhat heavier than in Bengal.

¶ By separate treaties with the native princes of Central India, and which were subsequently cancelled.

Appendix C.

chest. Upon the principle that it was desirable to fix the price at the highest amount which could be levied without forcing the trade into other channels, a further increase was made in 1845, when it was determined that the charge should be *Rs.* 300 per chest. Under the like views it was, in 1847, raised to *Rs.* 400 per chest.

Poppy seed is sown in Malwa in November; the plants are in flower in the early part of March, and from that time till the end of April the extraction of the juice proceeds. During the hot weather in May, the extracted juice is allowed to settle, and in June and early in July the cakes are manufactured.

STATEMENT, showing the RECEIPTS from the OPIUM REVENUE, from the Year 1834–35.

YEARS.	Net Receipts from Bengal.	Net Receipts from Bombay.	Total Company's Rupees.	Total £. Sterling at 2 *s.* the Sicca Rupee.
1834–35	63,26,894	14,41,711	77,68,605	728,517
1835–36	1,32,01,613	17,18,455	1,49,20,068	1,399,009
1836–37	1,33,40,968	20,08,710	1,53,49,678	1,439,031
1837–38	1,43,67,238	14,97,202	1,58,64,440	1,487,291
1838–39	69,87,990	25,43,318	95,31,308	893,560
1839–40	32,60,761	1,17,014	33,77,775	316,666
1840–41	64,96,324	22,46,452	87,42,776	819,635
1841–42	80,38,669	21,48,989	1,01,87,658	955,093
1842–43	1,32,23,436	25,42,382	1,57,65,818	1,478,046
1843–44	1,67,59,482	34,88,780	2,02,48,262	1,898,274
1844–45	1,80,83,454	37,29,431	2,18,12,885	2,044,958
1845–46	2,20,77,262	59,56,243	2,80,33,505	2,628,140
1846–47	2,27,93,387	60,68,628	2,88,62,015	2,705,813
1847–48	1,29,15,296	37,18,549	1,66,33,845	1,559,423
1848–49	1,95,82,562	88,75,066	2,84,57,628	2,667,902
1849–50	2,80,07,968	72,94,835	3,53,02,803	3,309,637

Note.—A chest of Bengal opium, containing 164 lbs., or 80 seers, would cost the Government, at *Rs.* 3. 8 *a.* per seer, *Rs.* 280, and sell at Calcutta for upwards of *Rs.* 900, yielding a profit of about 7 *s.* 6 *d.* per lb.

A chest of Malwa opium, containing 140 lbs., upon which the transit duty of *Rs.* 400 had been paid, would afford a revenue to Government of about 5 *s.* 8 *d.* per lb.

STATEMENT, exhibiting the Number of CHESTS of OPIUM sold in BENGAL, or exported from BOMBAY.

YEARS.	BENGAL.	BOMBAY.
	Number of Chests of 164 lbs. each.	Number of Chests of 140 lbs. each.
1840–41	17,858	16,773
1841–42	18,827	14,681
1842–43	18,362	24,337
1843–44	15,104	13,563
1844–45	18,350	20,660
1845–46	21,437	12,635
1846–47	21,648	18,602
1847–48	30,515	15,485
1848–49	36,000	16,509*

* It is stated, that neither the price of opium, nor the extent of cultivation in Malwa, has been affected by the great enhancement of the pass-duty which has taken place since 1845.

EDUCATION.

In 1813, Parliament directed that the sum of 10,000*l.* per annum should be set apart from the surplus revenues of India, and applied to the revival and improvement of literature.

Nothing, however, was done in consequence until 1823, when the Government of Bengal appointed a Committee of Public Instruction,* and placed at their disposal the arrears of the Parliamentary grant from the year 1821.

The sum now disbursed from the gross revenue for educational purposes amounts to between 70,000*l.* and 80,000*l.* per annum.

Previously to the date last mentioned, the only native educational establishments founded in India by the British Government were the Mahomedan College at Calcutta and the Sanscrit College at Benares, established respectively in 1781 and 1792.† The Hindoo College of Calcutta, though founded in 1816, was not transferred to Government superintendence until 1823. In 1835 the number of seminaries had increased to 14; there are now in Bengal and the North-Western Provinces upwards of 40.

In the earlier-founded colleges the studies were purely Oriental; in those subsequently established they are European. The preservation of native learning ‡ was the avowed object in the one case; the communication of useful knowledge, and the affording facilities for the study of elegant literature, were the ends sought in the other.

The instruction of the masses in this knowledge was avowedly the ultimate end to be attained; but several years were unfortunately lost, pending the result of the experiment resorted to in the first instance, of translating English literature into Arabic and Sanscrit, the classical languages of the East. Under this arrangement, before a Native student could become versed in European knowledge, it was indispensable that he should first become an accomplished Oriental scholar.§ The scheme ended in failure.

But immediately after the termination of the last Charter Act in 1834, the subject again came under consideration, and on the 7th March 1835, the Government of India passed a resolution, substituting the English for the Oriental scheme of education.‖

The new plan offers to the Native student a complete education in European literature, philosophy

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* Subsequently merged into a Council of Education, retained by Government for advice and reference, and acting ministerially.

† The motives to the establishment of these institutions were—

1st. To gratify national predilections, and thus to gain over the learned and influential classes; and,

2dly. To secure a regular supply of Hindoo and Mahomedan law officers for the courts of law.

‡ Speaking of native literature, Bishop Heber observes:—

"The Mussulman literature very nearly resembles what the literature of Europe was before the time of Copernicus, Galileo, and Bacon. The Mussulmans take their logic from Aristotle, filtered through many successive translations and commentaries; and their metaphysical system is professedly derived from Plato. Both Mahomedans and Hindoos have the same natural philosophy, which is also that of Aristotle in zoology and botany, and Ptolemy in astronomy, for which the Hindoos have forsaken their more ancient notions of the seven seas and the six earths."

Rammohun Roy, in reference to the Sanscrit College, says:—

"It can only load the minds of youth with grammatical niceties and metaphysical distinctions of no practical use. The pupils will acquire what was known 2,000 years ago, with the addition of vain and empty subtilties."

In a despatch written in 1821, the Court of Directors observe:—

"In teaching mere Hindoo or mere Mahomedan learning, you bind yourselves to teach a great deal of what is frivolous, not a little of what is purely mischievous, and a small remainder, indeed, in which utility is in any way concerned."

§ It was urged that native co-operation would be more readily afforded by giving the preference to the learned languages of the East. Sanscrit and Arabic were to be the keys of knowledge. Students thus educated to a high standard, in both Eastern and Western learning, were to issue forth among their countrymen as authors, translators and teachers; and, from their united efforts, a new knowledge and more enlarged ideas were to be more and more diffused, until, at length, all classes should participate in the advantages of education.

‖ "His Lordship in Council directs, that all the funds which these reforms will leave at the disposal of the committee be henceforth employed in imparting to the native population a knowledge of English literature and science, through the medium of the English language."

Five years before the adoption of the English scheme, the home authorities had indicated their sentiments on its merits as follows:

"We think it highly advisable to enable and encourage a large number of natives to acquire a thorough knowledge of English, being convinced, that the high tone and better spirit of European literature can produce their full effect only on those who become familiar with them in the original language. While, too, we agree that the higher branches of science may be more advantageously studied in the languages of Europe, than in translations into the Oriental tongues, it is also to be considered, that the fittest persons for translating English scientific books, or for putting their substance into a shape adapted to Asiatic students, are natives who have studied profoundly in the original works."—Despatch, 29th September 1830.

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philosophy and science, through the medium of the English language;* it introduces him to the entire range of science and literature, so far as he is able to receive it, the limit being that alone fixed by nature in regard to his own capacity. English is now the classical language of India. Colleges and schools have been established in the principal cities and towns, and the old Mahomedan and Hindoo institutions, though upheld as seminaries of Oriental learning, have had English classes attached to them. Stipends (formerly paid to pupils without reference to ability, diligence or acquirements) have been abolished, and in lieu thereof scholarships have been founded, which can be gained only by passing a satisfactory examination. Junior scholarships are also attached to the new schools, tenable at the central college, to which the school is subordinate, and where a higher course of instruction is available.

Ten years subsequently to the adoption of the new plan, another important step was taken by the Government. With a view of fostering a general desire for education, the resolution of the 10th October 1844 was passed, promising preference of selection for public employment to students of distinguished ability. So strong is the desire to enter into the service of Government, that one of the princes of Mysore availed himself of the Government resolution, passed the prescribed examination in 1850, and offered himself as a candidate for public employment.

In its attempts to introduce and extend the pursuit of the higher branches of sound and useful learning, the Government may be regarded as completely successful. Every year will add something to the evidence of its success. But though equally zealous to communicate to the masses that more limited measure of knowledge which they require, and which it is important they should possess, the efforts of the Government in the Lower Provinces of Bengal have not prospered in like manner. Scholars have been trained, from whom the gradual formation of a vernacular literature might have been expected; but the apathy of the people would render such literature useless and unavailing for their improvement, seeing that, being destitute of the first elements of education, they would be unable to profit by that which might be prepared for their instruction. That which is wanting was something to dispel this apathy, and this in the North-Western Provinces has happily been found.

Under the New Revenue Settlement there, the rights of every cultivator, whether landlord or tenant, had been ascertained and recorded; and for the protection of their rights, a system of registration of titles to land had been introduced. The registers are open to all who choose to inspect them. But of course none but those able to read and write can avail themselves of the advantages they offer to any extent, while to the full enjoyment of them, some knowledge of arithmetic and of the principles of land measurement is requisite. The utility of knowledge thereupon presented itself to the minds of the people, and a desire was consequently manifested for its acquisition—to a sufficient extent, at least, to ascertain their rights. This stimulus was wanting in the Lower Provinces of Bengal, where the rights of the cultivators had been swept away by the permanent settlement; but in the North-West Provinces the people were rousing themselves, and actually requiring education, while in other parts of India, all the influence of Government could not secure its acceptance. Here was an admirable opportunity, and it was well improved. During the last few years the Government has met the wishes and necessities of the people in this respect, and the people have zealously seconded its exertions. The latter have been aided by pecuniary grants. The Government has also established model schools, and caused to be prepared and printed a series of books, the want of which must have frustrated the success of the movement. Vernacular schools have sprung up in various parts of the country, and a vigilant and well-organized system of inspection is maintained, so as to secure their efficiency. The more indispensable objects of instruction—reading, writing, arithmetic and mensuration—enter into the course of all; and, where practicable, a few other studies, as geography, history, &c., are admitted. Under this system, a few years must effect a vast change in the North-Western Provinces in respect to education.

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* In the Educational Report for 1849, Mr. Bethune, then filling the office of Legislative Member of the Supreme Council of India, observes:—

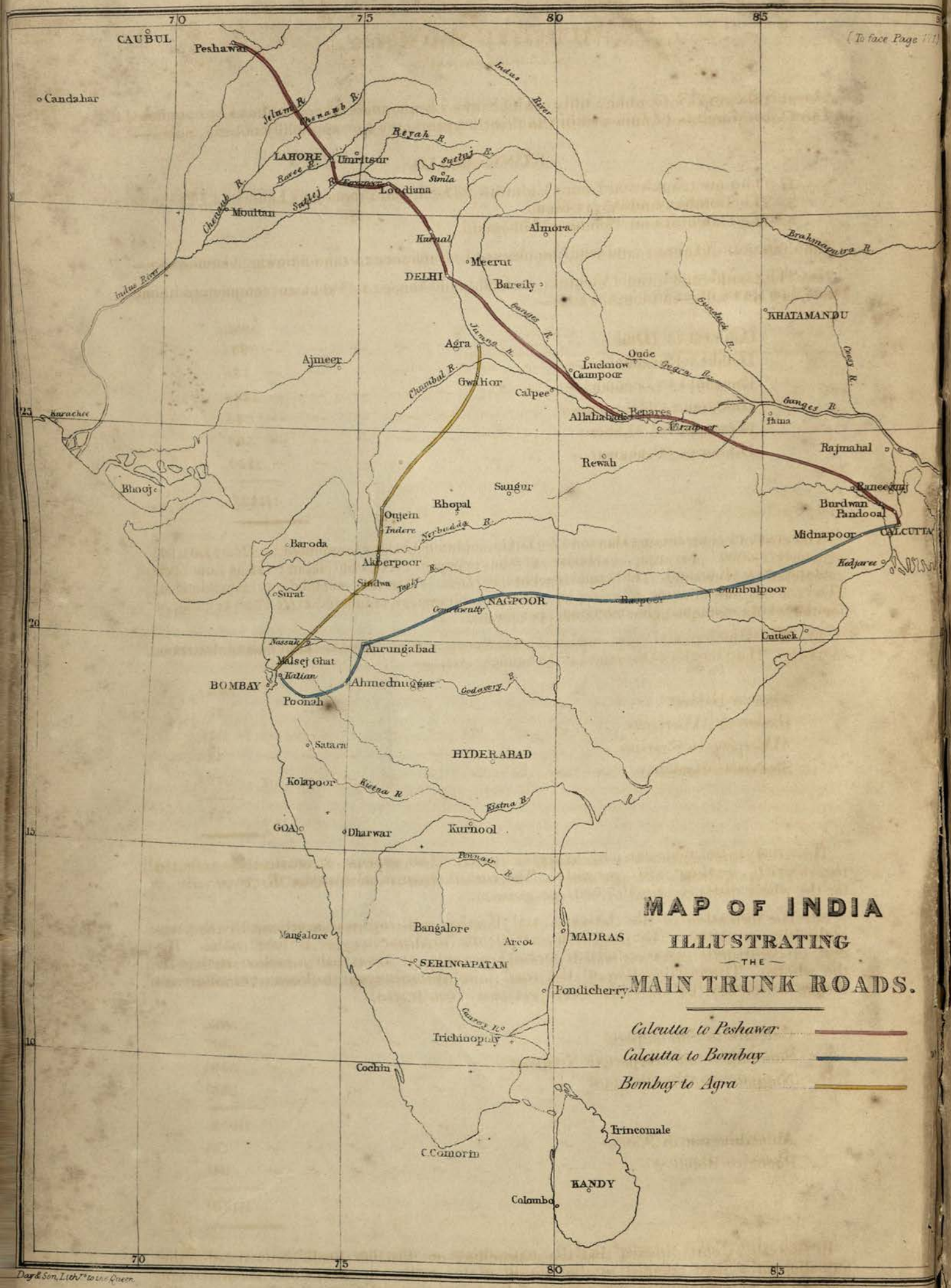
"There is no institution in England with which I am acquainted where the published answers of the students are subjected to so strict and severe a test. I have no hesitation in saying, that every succeeding examination which I witness increases my admiration of the acuteness and talent, literary and scientific, which are evinced by the educated young men of this country."

The subjects selected for the Scholarship examination of 1849, were—

LITERATURE.—Addison, Goldsmith, Bacon, Campbell, Elphinstone. Hume and Arnold for prose and history.

MATHEMATICS.—From Euclid to optics and astronomy.

MENTAL PHILOSOPHY.—Reid's Inquiry, Mill's Logic, Smith's Moral Sentiments.



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Appendix C.

PUBLIC WORKS.

Among the works of public utility which have been undertaken, continued or completed by the Governments of India within the last 20 years, may be especially noticed, under—

TRUNK-ROADS.

1. The new trunk-road from Calcutta to Delhi, and thence to Lahore and Peshawur.
2. The Bombay and Agra Road.
3. The Calcutta and Bombay Mail-road.

The direction of these roads will be observed on reference to the following sketch-map :—

1st. The trunk-road from Calcutta to Delhi, and thence to Peshawur (commenced about 1836), is 1,423 miles in length, viz. :—

	Miles.
Calcutta to Delhi	887
Delhi to Kurnoul	78
Kurnoul to Loodiana	124
Loodiana to Ferozepore	74
Ferozepore to Lahore	50
Lahore to Peshawur	210
	1,423

The cost of constructing this road to Delhi, including bridges, amounted to *Rs.* 81,94,104, or nearly 1,000*l.* per mile, exclusive of the expense of convict labour: it has now been completed to Kurnoul. The road is what in India is termed metalled, or macadamized. The cost of maintaining it in repair, after completion, is estimated at *Rs.* 350 per mile, or for the whole distance about 50,000*l.* per annum.

2d. The Bombay and Agra road was commenced under Lord Auckland's administration, in 1840. The length of this road is 734 miles; viz. :—

	Miles.
Agra to Indore	370
Indore to Akberpore	51
Akberpore to Sindwa	43
Sindwa to Bombay	270
	734

This road is not macadamized, except in parts. The expense of construction amounted to 243,676*l.*, or about 330*l.* per mile. The cost of repair is calculated at *Rs.* 70 per mile, or for the whole distance about 5,000*l.* per annum.

3d. The formation of the Calcutta and Bombay mail-road was sanctioned by the home authorities in 1840. The length from Calcutta to Ahmednuggur is 1,002 miles. The cost of construction was estimated at 500*l.* per mile, or about half a million sterling for the whole. The continuation of the road from Ahmednuggur to Poona (74 miles) and thence to Bombay (94 miles) had been previously constructed.

	Miles.
Calcutta to Sumbulpore	307
Sumbulpore *viâ* Raepore to Nagpore	339
Nagpore to Ahmednuggur	356
	1,002
Ahmednuggur to Poona	74
Poona to Bombay	94
	1,170

In 1845 the Court directed that the expenditure on this line should be restricted to the formation of a road adapted to the transit of the mails. In 1846, 2,000 labourers were engaged for employment on the portion of the road between Calcutta and Nagpore; and it was

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was then stated that the road would shortly be placed in a most effectual state for the transmission of the mails at all seasons. Should the ultimate cost of construction be equal to the estimate sanctioned in 1840, the expense of this road will, as above stated, amount to 500,000 *l.*, or 500 *l.* per mile.

SUMMARY:

	Length.	Cost.	Annual Repairs.
		£.	£.
Grand Trunk Road (when completed to Peshawur at the same rate of cost) - - - -	1,423	1,423,000	50,000
Calcutta and Bombay Road, as per original estimate - - - - - - - - -	1,002	500,000	35,000
Bombay and Agra Road - - - - -	734	243,676	5,000
	3,159	2,166,676	90,000

The above have been selected only as illustrating the measures in progress for the advancement of India by means of extended and improved roads. Many similar works which, though of minor extent, are of equal utility, have been either completed or commenced.

CROSS-ROADS.

With regard to cross-roads, separate provision has been made for their improvement, and funds specially set apart for the purpose, consisting of—

1st. The net profits arising from the tolls on public ferries.

2d. (In the North-West Provinces.) The one per cent. fund paid by the landholders on the amount of the Government revenue.

The proceeds of these are carried to a general fund, and re-distributed among local committees, with the view to local improvements. The general results of the arrangement may be estimated from observing the effects in a particular district.

The amount allotted to Cawnpore, and placed at the disposal of the committee, averages *Rs.* 28,000 per annum. The grand trunk-road traverses this district, which is maintained solely at the expense of Government. But, in 1848, the committee had completed a new road from Cawnpore to Calpee. This road is 40 miles in length, and is macadamized throughout. The remaining cross-roads in this district, under the charge of the committee, measure about 300 miles, and are repaired annually upon the cessation of the rains.

Another measure recently adopted is calculated materially to improve the means of internal communication. An Act has been passed (No. 8 of 1851), empowering the several Governments to levy tolls (not exceeding the rates specified in the schedule) on roads and bridges, thereafter made or repaired at the expense of Government; the net proceeds to be appropriated to the construction of roads and bridges in the Presidency from which they are drawn. It may, therefore, be presumed, that wherever the traffic is calculated to pay for the maintenance of a road, every encouragement will be afforded for its construction.

CANALS.

The whole volume of water from the rivers of the Himalayas, available for irrigation, has been estimated at about 24,000 cubic feet per second in the dry season; viz.:—

Ganges - - - - - - - - - - -	6,750
Jumna - - - - - - - - - - -	2,870
Ravee - - - - - - - - - - -	3,000
Chenaub - - - - - - - - - -	5,000
Sutlej, at Rooper - - - - - - - - -	2,500
Jhelum - - - - - - - - - - -	4,000
	24,120

Each cubic foot per second has been found adequate for the annual irrigation of 218 acres of land; but as one-third only of a district is usually irrigated, the remainder bearing dry crops not requiring irrigation, a cubic foot of water per second would be sufficient for the irrigation of 654 acres, or about one British square mile; a surface of 24,000 square miles may, therefore, be ultimately irrigated by these rivers.

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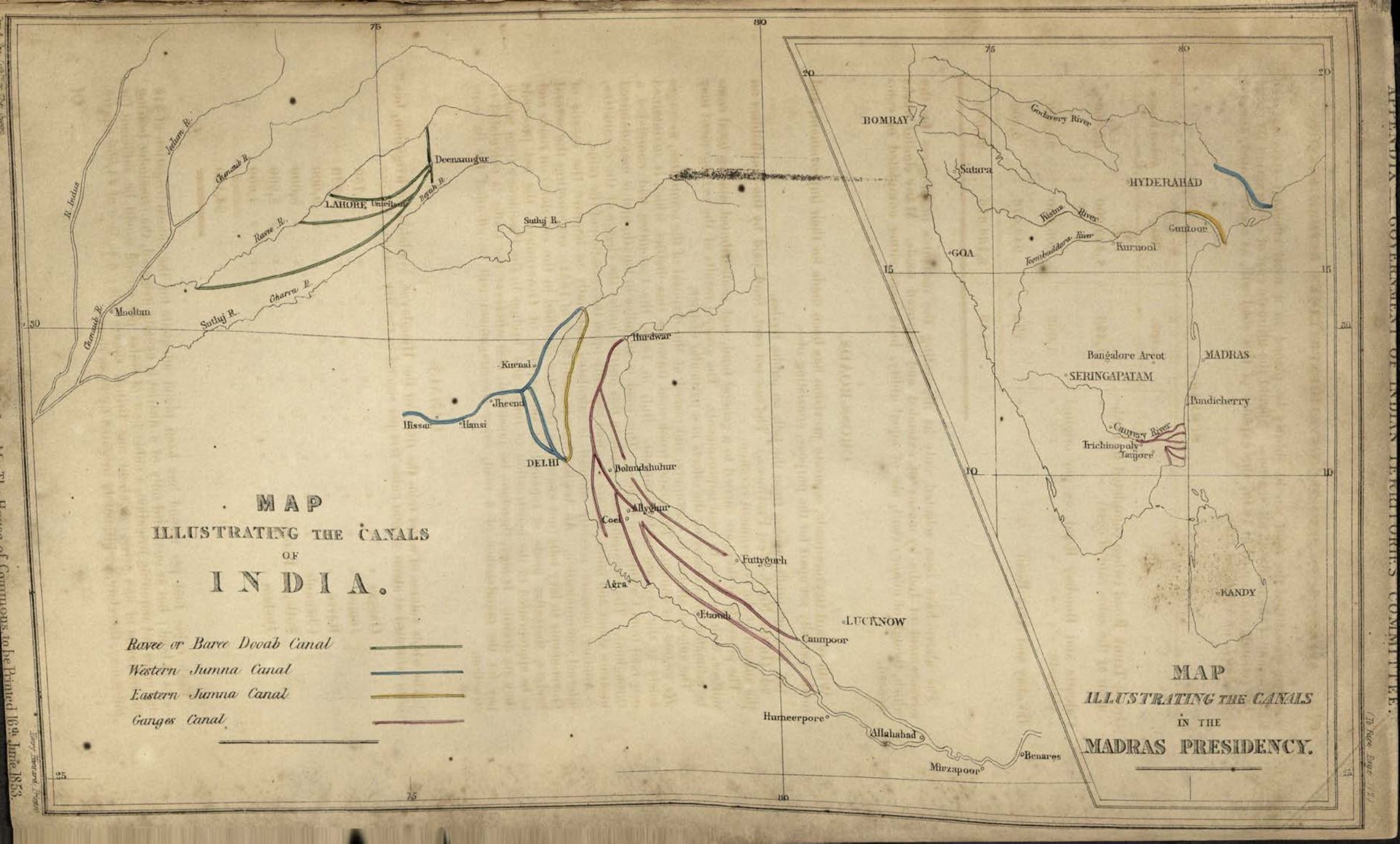

Henry Emesard, Printer.

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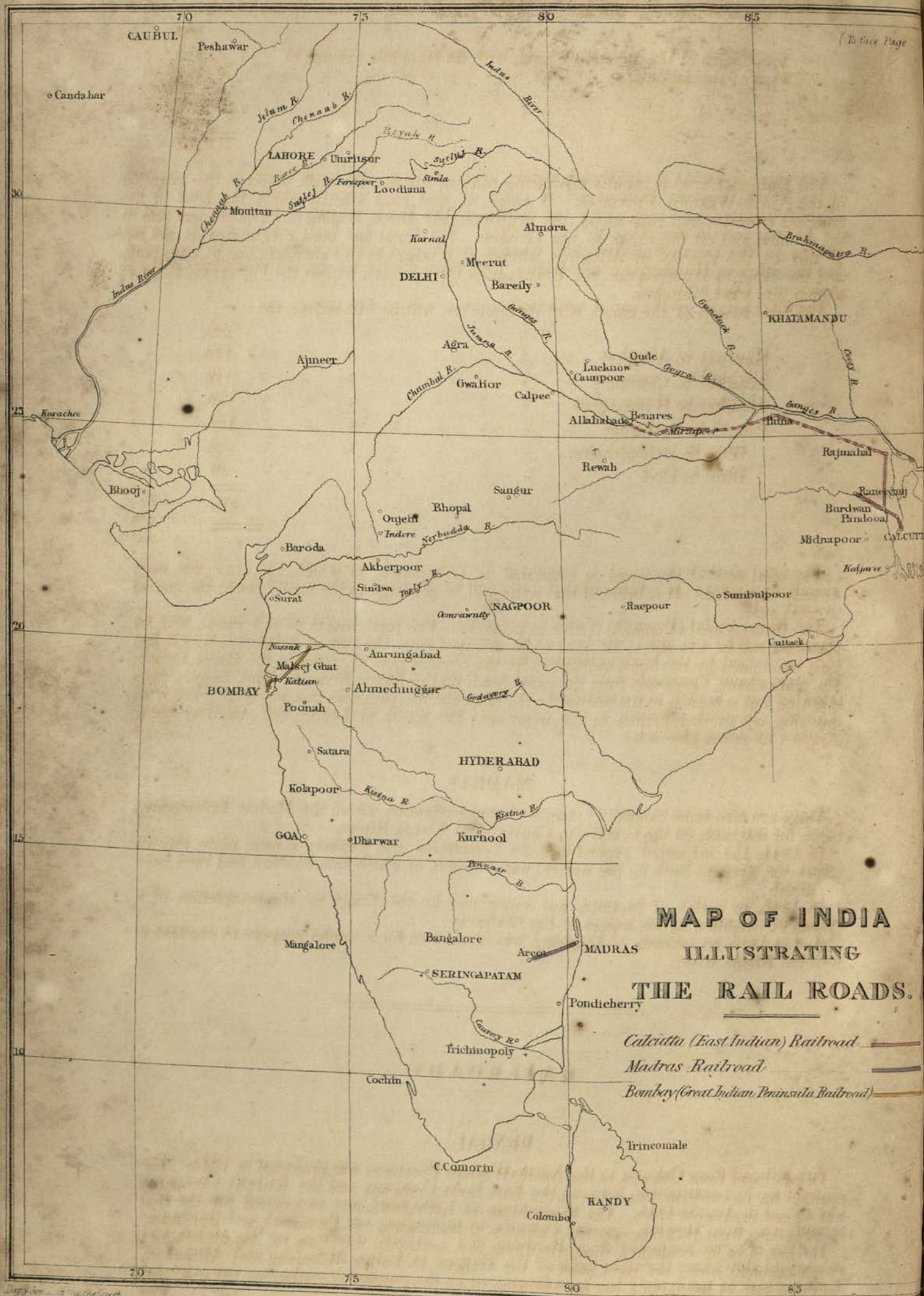
Ordered by the House of Commons to be Printed 16th June 1853.



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MAP OF INDIA
ILLUSTRATING
THE RAIL ROADS.

Calcutta (East Indian) Railroad

Madras Railroad

Bombay (Great Indian Peninsula Railroad)

Nº 627-II. Ordered, by The House of Commons, to be Printed 16th June 1853.

Of the entire volume of water hitherto running waste, one portion has already been applied to purposes of irrigation. The whole stream of the Jumna has been diverted from the main channel into two canals, called the Eastern and Western Jumna Canals.

	Miles.
The length of the Western Canal, with its branches, extends to -	425
That of the Eastern to - - - - - - - - - - -	155
	580

The Ganges Canal is rapidly advancing to completion. Its main object is the irrigation of the North-Western Provinces. A ridge of land rises slightly above the level of the adjacent country, and runs along the centre of the Doab, sloping down on the one side to the Jumna, and on the other to the Ganges. The canal has been constructed on the top of this to the vicinity of Allyghur, whence it diverges in two channels, one to Cawnpore, and the other to Humeerpore *viâ* Etawa, with three offsets, termed the Futteghur, Bolundshuhur and Coel branches.

The total length of the canal, with its branches, will be 810 miles; viz.:

	Miles.
Hurdwar to Allyghur - - - - - - - - -	180
Allyghur to Cawnpore - - - - - - - - -	170
Allyghur to Humeerpore - - - - - - - -	180
Branch to Futteghur - - - - - - - - -	170
Ditto to Bolundshuhur - - - - - - - -	60
Ditto to Coel - - - - - - - - - -	50
	810

The total cost of the canal is estimated at 1,555,548 *l.*, of which 722,556 *l.* has been already expended. It is believed that water will be admitted in the main lines in the course of next year.

The Ravee Canal (Punjaub) is also in progress. The total length of this canal, with its branches, will be 450 miles; the cost to be defrayed from the sum of 500,000 *l.*, which has been sanctioned by the home authorities for the construction of canals in the Baree Dooab. The main channel proceeds from the canal head, on the Ravee River, to Dinanuggur, there throwing out a branch to the eastward; the main channel proceeds in a southward direction, throwing off another branch to the westward; the wants of Lahore and Amritser being supplied by minor channels.

MADRAS.

There are also some extensive systems of canal irrigation within the Madras Presidency; those, for instance, on the Godavery, Cauvery and Kistna Rivers.

In 1841, the estimated expenditure for completing the Cauvery annicut (dam thrown across the river, to bank up the waters) was 50,000 *l.*, of which sum 35,000 *l.* had then been disbursed.

In 1849, an outlay of 91,120 *l.* was sanctioned by the Court for the completion of a system of irrigation by the waters of the Godavery.

And in 1850, an estimate of 150,000 *l.* was sanctioned for a similar purpose in connexion with the Kistna River.

RAILROADS.

BENGAL.

The railroad from Calcutta to the North-Western Provinces was projected in 1844. The contract for its construction, between the East India Company and the Railway Company, was signed in August 1849. The expenditure of 1,000,000 *l.* was sanctioned for the first section; viz., from Howrah, opposite Calcutta, to Raneegung *viâ* Pundooah and Burdwan.

The line is to be continued from Burdwan, in a northerly direction, to Raj Mahal, and thence probably along the right bank of the Ganges to Patna, Mirzapore and Allahabad. A further sum of 1,000,000 *l.* has been sanctioned for the purpose of continuing the extended

Appendix C.

line to Raj Mahal, the whole expense not having yet been estimated. The East India Company guarantee interest on the capital advanced for this purpose, at the rate of 5 per cent. per annum for the first million, and 4½ per cent. for the second.

MADRAS.

The sum of 500,000 *l.* has been sanctioned for a railway in this Presidency. The execution of the line has been undertaken by a company, under contract with the East India Company. It will commence at Madras, and take a westerly direction, probably to Arcot, the determination of its ultimate route being postponed till the surveys have been taken of the Eastern Ghats, in order to ascertain the most desirable point to cross. The interest to be paid on the above-mentioned sum is guaranteed at 4½ per cent. per annum.

BOMBAY.

An experimental line of railway from Bombay to or near Calian, with a view to its extension to the Malsej Ghat, was authorised in 1849. The capital of the Railway Company, 1,000,000 *l.*, is entitled to bear interest at 5 per cent. per annum.

ELECTRIC TELEGRAPH.

Between Calcutta and Kedjeree, a system of telegraphic communication has been established, measuring, with its ramifications, a distance of 82 miles, at a cost of 5,200 *l.*

It has now been determined to establish an entire line of telegraphic communication, measuring 3,150 miles, connecting Calcutta, Madras, Bombay, Agra, Simla and Lahore; the cost is estimated at 35 *l.* per mile, or 110,250 *l.* for the whole distance.

THE TRIGONOMETRICAL SURVEY.

This survey establishes data for delineating the geography and topography of India. An arc of the meridian has been measured with great care and precision, from Cape Comorin to the Sub-Himalaya Mountains, a distance of 1,460 miles. This important work was brought to a successful termination in 1840. A few years later (1847), the home authorities authorized the Indian Government to continue the survey operations in the north-west, and to extend them to the extreme limits of the empire (Peshawur).

Meanwhile, the great Atlas of India, upon a scale of four miles to the inch, and based upon triangulation, has been in course of preparation. This work has proceeded *pari passu* with the operations of the survey, and is now advancing to completion.

The area triangulated to the end of 1848 amounted to 477,044 square miles, at a cost of 341,278 *l.*, or about 14 *s.* per square mile. The completion of the survey may be looked for in three or four years.

The triangulation supplies an accurate basis upon which the revenue surveys are constructed.

The expense of the revenue survey and settlement of the North-Western Provinces, recently completed, was as under:—

Revenue survey - - - - - - - - -	£. 235,655
Ditto settlement - - - - - - - -	337,069
	£. 572,724

Revenue surveys of the Lower Provinces of Bengal (that of the Upper Provinces being, as above noticed, complete), and also of the Bombay territories, are now in progress, and ultimately the plan will be extended to the whole of India.

KURRACHEE MOLE AND ROAD.

The attention of Government has been extended to the improvement of the newly-acquired Province of Scinde, and among the public works constructed in this territory may be mentioned Kurrachee mole and road, at an expense of 30,961 *l.*

SURVEY OF THE MANAAR GULF.

This survey was completed a few years since, at a cost of 24,625 *l.*; one of its immediate practical results was the formation of the

PAUMBUM PASSAGE.

By this passage, the obstructions to the sailing of vessels between the island of Ceylon and the main-land of India were removed, and a practicable channel opened at a cost of 16,394 *l.*

RIVER

RIVER COMMUNICATION.

The Indian Government have established steam-vessels for the conveyance of both goods and passengers on the Ganges, and very considerable sums have been expended on that river in the removal of obstacles to navigation below Allahabad.

On the Indus, also, the Government have established steam-vessels for the conveyance of both goods and passengers from Kurrachee to Mooltan, and purpose extending the line to Kalabagh on the Indus, and to Jhelum on the river of that name.

Many other undertakings (not intended for Government purposes) might be enumerated, such as plantations and farms for promoting the culture and improving the quality of important agricultural productions, as tea, cotton, &c.; establishments for improving the breeds of useful animals, the construction of docks and of various works for maritime and commercial advantages. The expenditure upon these and objects of similar character, where the public benefit and convenience were the purposes in view, has been very considerable.

The following STATEMENT exhibits the amount expended on account of public works in India, comprising roads, bridges, embankments, canals, tanks and wells, in each of the following years, being the latest period up to which the accounts have been received :—

STATEMENT,

STATEMENT, showing the Amount expended on account of Public Works in India, comprising Roads, Bridges, Accounts have

YEAR.	BENGAL.				NORTH-WEST PROVINCES.			
	Roads and Bridges.	Embankments.	Canals, &c.	Total.	Roads.	Bridges.	Canals.	Tanks, Wells, and Embankments.
	Rs. a. p.	*Rs.* a. p.	*Rs.* a. p.	*Rs.* a. p.	*Rs.* a. p.	*Rs.* a. p.	*Rs.* a. p.	*Rs.* a. p.
1837–38 -	1,49,274 1 8	1,15,812 11 7	29,733 2 10	2,94,820 – 1	1,67,243 5 11	58,151 11 11	1,48,075 6 1	11,541 – 4
1838–39 -	1,39,232 11 4	1,29,759 – 6	70,119 6 · 2	3,39,111 2 –	11,45,083 9 –	78,148 3 5	2,84,215 10 8	11,158 – 2
1839–40 -	1,96,732 7 6	1,40,915 11 6	29,705 15 5	3,67,354 2 5	1,40,499 15 7	59,670 14 –	1,88,816 13 1	6,136 11 9
1840–41 -	2,56,096 2 9	1,45,626 12 1	35,449 12 3	4,37,172 11 1	4,21,029 2 6	46,147 – 5	3,00,859 – 6	5,605 14 3
1841–42 -	8,16,162 15 3	1,90,589 – 8	29,108 4 6	10,35,860 4 5	2,92,671 10 · 8	42,877 13 3	3,68,755 8 2	19,947 8 8
1842–43 -	3,39,400 5 3	2,24,506 – 7	36,020 7 5	5,99,926 13 3	3,36,635 3 4	72,369 4 10	2,42,422 – 7	97,500 1 5
1843–44 -	3,02,674 – 6	1,92,326 8 11	53,105 10 6	5,48,106 3 11	2,10,317 14 2	12,673 2 5	2,85,730 7 2	- - -
1844–45 -	4,45,894 4 3	1,71,987 8 8	41,490 12 11	6,59,372 9 10	2,48,139 2 10	72,574 9 1	2,87,413 3 4	3,774 6 5
1845–46 -	4,46,984 9 8	1,35,859 13 4	68,513 14 7	6,51,358 5 7	3,34,534 4 3	9,411 1 7	3,32,770 10 8	1,22,655 8 3
1846–47 -	4,65,274 9 10	1,79,160 13 4	60,521 9 7	7,04,957 – 9	2,60,310 – 10		1,91,643 8 5	363 7 9
1847–48 -	5,23,923 4 5	1,03,638 4 7	29,963 5 11	6,57,524 14 11	4,08,489 2 5		6,59,009 13 6	- - -
1848–49 -	5,25,970 5 2	1,06,405 – 4	69,728 6 1	7,02,103 11 7	4,54,306 7 8		9,15,981 8 2	3,679 7 7
1849–50 -	4,65,250 7 2	1,52,387 5 3	44,070 11 8	6,61,708 8 1	1,79,261 – 2		9,48,487 3 8	3,866 14 7
1850–51 -	- - -	- - -	- - -	3,71,356 – –	- - -	- - -	- - -	- - -
1851–52 (Estimate) - -	- - -	- - -	- - -	8,78,300 – –	- - -	- - -	- - -	- - -

It is necessary to state, that the above Return is strictly confined to public works of the nature and character referred to in the title of the Statement, and that all buildings, civil or military, except so far as they are connected with such works as bridges or roads, are excluded.

Further, the above amount of expenditure is exclusive of the salaries and allowances of civil and military servants, by whom the respective works have been designed, and under whose superintendence they have been carried into execution. These could be furnished for Bengal and Agra, but not for the whole of India.

Between 1833 and 1838, about 13,000 convicts were constantly employed on the great trunk and other roads. The expense of their ordinary maintenance does not appear in the above Return, nor the additional expense incurred by their employment on these works. The extra cost of a convict sent to one of the road gangs was estimated, in 1838, by the Prison Discipline Committee, of which Mr. Macaulay was a member, at *Rs.* 24 per annum, arising from the expense of guards, additional clothing, care during sickness, &c. The Government expenditure was consequently enhanced at the rate of 31,200 *l.* per annum, or 156,000 *l.* in the series of five years.

Under the permanent settlement of Lord Cornwallis, the zemindars of Bengal are under obligation to keep in repair the roads and river embankments within their respective estates. The funds for this purpose may be considered to be supplied by Government, as a proportionate deduction, probably 100,000 *l.* per annum, was made from the rent of the several estates.

There

Embankments, Canals, Tanks and Wells, in each of the following Years, being the latest Period up to which the been received.

MADRAS.									BOMBAY.														GRAND TOTAL.		
TOTAL.			Tanks, Watercourses, and other Works connected with Irrigation.			Roads, Bridges, and Ghauts.			TOTAL.			Roads.			Bridges.			Tanks, Wells, Bunds, &c.			TOTAL.					
Rs.	*a.*	*p.*	*Rs.*	*a.*	*p.*	*Rs.*	*a.*	*p.*	*Rs.*	*a.*	*p.*	*Rs.*	*a.*	*p.*	*Rs.*	*a.*	*p.*	*Rs.*	*a.*	*p.*	*Rs.*	*a.*	*p.*	*Rs.*	*a.*	*p.*
3,80,011	8	3	5,30,832	12	2	1,17,516	–	4½	6,48,348	12	6½	3,19,489	4	7	7,224	1	8	86,019	9	3	4,12,732	15	6	17,35,913	4	4½
15,18,605	7	3	5,96,668	8	5¼	4,00,665	14	6	9,97,334	6	11¼	2,91,876	8	7	21,767	7	3	70,196	7	5	3,83,840	7	3	32,38,891	7	5¼
3,95,124	6	4	5,14,818	–	6½	3,01,558	15	8½	8,16,377	–	3	2,73,062	13	11	32,064	12	–	91,684	15	2	3,96,812	9	1	19,75,668	2	1
7,73,641	1	8	6,25,013	3	10	4,19,412	6	3	10,44,425	10	1	3,03,354	4	4	70,421	4	8	55,084	13	6	4,28,860	6	6	26,84,099	13	4
7,24,252	8	9	5,69,937	15	5	2,69,855	2	10	8,39,793	2	3	2,52,353	4	10	85,883	10	–	70,288	13	10	4,08,525	12	8	30,08,431	12	1
7,48,926	10	2	5,30,845	7	11	4,56,532	8	7	9,87,378	–	6	2,33,065	1	7	22,377	11	3	44,114	14	6	2,99,557	11	4	26,35,789	3	3
5,08,721	7	9	3,98,016	8	8	1,43,294	9	2	5,41,311	1	10	3,57,692	13	–	17,170	10	4	29,240	14	2	4,04,104	5	8	20,02,243	3	2
6,11,901	5	8	6,09,687	13	2	1,46,034	13	6	7,55,722	10	8	4,19,330	6	10	6,640	7	1	69,193	11	10	4,95,164	9	9	25,22,161	3	11
7,99,371	8	9	5,80,631	8	2	2,31,907	15	–	8,12,539	7	2	3,79,295	5	4	25,557	14	2	72,233	14	9	4,77,087	2	3	27,40,356	7	9
4,52,317	1	–	5,65,186	14	10	2,13,802	11	10	7,78,989	10	8	2,92,367	5	5				5,989	7	–	2,98,356	12	5	22,34,620	8	10
10,67,498	15	11	7,35,630	13	4	2,75,639	12	4½	10,11,270	9	8½	2,89,053	14	5				1,780	10	1	2,90,834	8	6	30,27,128	7	–½
13,73,967	7	5	11,78,071	3	2	2,65,622	12	7	14,43,693	15	9	2,45,784	11	6				5,451	10	10	2,51,236	6	4	37,71,001	9	1
11,31,615	2	5	723,456	2	–	2,58,895	–	11	9,82,351	2	11	3,17,217	2	4				8,923	7	8	3,26,140	10	–	31,01,815	7	5
24,07,115	–	–	including the Punjaub						2,33,147	–	–	-	-	-	-	-	-	-	-	-	3,34,893	–	–	33,46,511	–	–
49,21,500	–	–	-	-	-	-	-	-	5,51,400	–	–	-	-	-	-	-	-	-	-	-	5,83,590	–	–	69,35,290	–	–
																					TOTAL - - -		*Rs.*	4,49,59,921	9	9¼
																					Average of 15 Years - - -		£.	299,732	–	–

There can be no doubt that the disbursements in the two or three years following 1850–51 will be greatly in excess of the expenditure of that year, inasmuch as, in addition to the ordinary outlay, they must include the larger proportion of the sum of two millions sterling, which has been specially sanctioned for the construction of the Ganges and Punjaub canals, the former of which is fast approaching to completion.

In 1847, sanction was given for an annual expenditure of 40,000 *l.* for a system of trunk-roads in Madras. No great progress appears to have been made by the local governments in this work; but, as a system of railroads is now about to be established in India, it appears most desirable to determine the direction in which these lines shall traverse the country before incurring any great outlay on ordinary roads, which, for the most part, must be altered in their directions, so as to become subsidiary to the great arteries of communication.

The guarantee of interest by the East India Company on Indian railway stock is also strictly a contribution to public works, having for their object the improvement of internal communication.

APPENDIX D.

Appendix D.

LIST of PETITIONS referred to the SELECT COMMITTEE on the GOVERNMENT of INDIAN TERRITORIES.

DATE OF PRESENTATION.	PETITIONERS.	PRAYER.
11 May - 1852 -	George James Gordon - -	- - That certain Propositions mentioned in his Petition, connected with the Position and Political Rights of the Natives of India, may be taken into Consideration.
21 May „ -	- - Charles Hay Cameron, late Fourth Member of Council of India, President of the Indian Law Commission, and of the Council of Education for Bengal.	- - That One or more Universities may be established in British India, and that the Youth of India may receive such a Secular Education as may qualify them for Admission into the Civil and and Medical Services.
26 November „ -	- - Ministers and Missionaries resident in Calcutta.	- - For Inquiry into the Government, and Moral, Social and Religious Condition of the People of India.
2 December „ -	- - Madras Native Association, and other Native Inhabitants of the Presidency of Madras.	- - Complaining of the present Mode of raising the Revenue of the Government, and of the Salt Monopoly, and other Grievances.
24 February 1853 -	Rungo Bapojee - - - -	- - For the Restoration of Shahoo Maharaj to his Rights and Property, or that the Petition may be referred to the Select Committee on the Government of Indian Territories.
25 February „ -	- - Proprietors of East India Stock, and other British Subjects interested in the Welfare and good Government of India.	- - For Inquiry into the present State of the Affairs of India.
25 February „ -	- - Madras Native Association and Others, Native Inhabitants of the Presidency of Madras.	- - For Redress of certain Grievances in connexion with the Expiration of the East India Company's Charter.
28 February „ -	- - Retired Servants of the East India Company, Merchants and Others.	- - That in case of any Alteration being made in the Government of India, the Right of Choosing the Persons to compose such Body may be granted, in such manner as may seem fit, amongst others, to the Holders resident in this Country of the Promissory Notes or Securities of the Government of India.
4 March „ -	- - Members of the Bombay Association, and other Native Inhabitants of the Presidency of Bombay.	- - For Inquiry into the Renewal of the Act for the Government of the Indian Territories, and that the Period of Existence for any future Government of India be limited to Ten Years.
11 March „ -	- - British and other Christian inhabitants of Calcutta, and the neighbouring parts in the Lower Provinces of Bengal.	- - For inquiry into the Renewal of the Act for the Government of Indian Territories, and for Ameliorations and Reforms.
4 April „ -	- - Armenian Inhabitants of the Bengal Presidency.	- - That in the event of the Renewal of the Act for the Government of the Indian Territories, provision may be made to secure to the Petitioners the full benefit of the Contract with the East India Company, by which they were induced to settle in the Company's Territories.
7 April „ -	- - British Indian Association and other Native Inhabitants of the Bengal Presidency.	- - Complaining of Grievances, and praying for Relief.

List of Petitions referred to the Select Committee, &c.—*continued.* Appendix D.

DATE OF PRESENTATION.	PETITIONERS.	PRAYER.
2 May - 1853 -	- - E. Wilson Challoner, Chairman (*who only has signed it*), of Newcastle and Gateshead Commercial Association.	- - Complaining of certain Grievances, and praying for the Improvement of the Government of India.
2 May - „ -	- - Master Cutler and Cutlers' Company of Sheffield, under their common seal.	- - That in any Legislation for the future Government of India, Provision may be made for its internal Improvement, and the carrying on of Public Works in that Country.
26 May - „ -	- - Hindoo Inhabitants of Bengal, Behar and Orissa.	- - For Repeal of the Act No. 21 of 1850, of the Legislative Council of India, and of certain Regulations which interfere with the enjoyment by the Hindoo Nation of their ancient Religion and Customs.
31 May - „ -	- - Liverpool East India and China Association.	- - For Amendment of the present Law for the Government of India.
27 June - „ -	- - Inhabitants of Northwich, in the County of Chester.	- - That in any Arrangements for the future Government of India, Provision may be made to permit English Salt to be imported into all parts of British India upon the same Terms and Conditions as other Goods and Manufactures.
15 July - „ -	- - Ministers of the Gospel resident in Calcutta.	- - For the discontinuance of all Government Grants of Money for the support of Idolatry.
18 July - „ -	Bristol Chamber of Commerce -	- - That the Monopoly of Salt exercised by the East-India Company in India be abolished; that if it should be considered still expedient to levy a Tax on this necessary of life, that it should be in such a form as to press less heavily on the Poor of India than the present system of Taxation.
18 July - „ -	- - East Indians of the Presidencies of Calcutta, Madras and Bombay, at present residing in London, at a Meeting held at the Residence of John B. Pharoah, Esq., Ennore House, Lower Tulse Hill, Brixton.	- - Complaining of certain Grievances under which they and the Community to which they belong labour in the existing state of the Law, and praying for Relief.
12 August „ -	- - East Indians, Inhabitants of Calcutta and the Provinces, subject to the Presidency of Fort William in Bengal.	- - Complaining of certain Grievances, and praying for Relief.
12 August „ -	- - Members of the Bombay Association and other Native Inhabitants of the Presidency of Bombay.	- - Complaining of certain Grievances and praying for Relief.
12 August „ -	- - Madras Native Association and others, Native Inhabitants of the Presidency of Madras.	- - Praying that a thorough Inquiry may be made into all points affecting the Welfare of India.
12 August „ -	- - Mr. George J. Waters, late a Justice of the Peace in India, and a Covenanted Civil Servant of the East India Company on the Madras Establishment, now of Clevedon, in the County of Somerset.	- - Complaining of his Removal without cause from certain Offices which he held in India.
12 August „ -	- - Dr. George Buist, Editor of the "Bombay Times."	- - Complaining of the Evidence given before the Select Committee of this House on the Government of Indian Territories, on the subject of Newspapers in India.
12 August „ -	- - Jevanjee Pestonjee and Rustomjee Viccajee, British Subjects and Parsee Inhabitants of Bombay.	- - Complaining of certain Acts of the Government of India, and praying for Redress.

Appendix D.

PETITION of GEORGE JAMES GORDON, that certain Propositions mentioned in his Petition connected with the Position and Political Rights of the Natives of INDIA may be taken into Consideration.

To the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled.

The humble Petition of GEORGE JAMES GORDON,

Humbly showeth,

That your Petitioner, during a residence of upwards of 36 years in India, had opportunities of becoming well acquainted with the Natives of that country, of all ranks and classes, and of ascertaining their actual feelings and wishes regarding the British Government and its institutions, and that he is still in communication on those subjects with some of the most intelligent and influential of the inhabitants of Bengal.

He therefore knows that he is acting in accord with their wishes in praying that your Lordships will take into your consideration the following propositions:

1st. That measures be adopted for the relief of the revenues of India from some portion of the expenses of the Home Government, amounting to upwards of one million sterling per annum.

2d. That such a change of system be introduced with respect to the granting of pensions, that in future no person entering the service shall be entitled to a pension after he has ceased to reside in India: the payment of pensions in England causes, directly, a drain on India of upwards of a million sterling, and, indirectly, to one of probably four times that amount, by the inducement it gives to persons to retire from the service while in the prime of their faculties, and to withdraw themselves and their families from the country, with the means they have accumulated during their residence in it.

3d. That economy being urgently requisite, the salaries of the higher officers of Government in India be reduced, granting in compensation a much longer tenure of office than they have hitherto been accustomed to enjoy.

4th. That with the same view, useless offices be abolished, such as that of Councillors of subordinate Governments, substituting as advisers of the Governors one or more of the Secretaries at the head of departments, as is now the case in the Lieutenant-governorship of the North-west Provinces.

5th. That the Legislative Council should be a distinct body from the Executive Council or Cabinet of the Governor-General, and that it should include amongst its members a certain number of Natives selected from the most intelligent and influential inhabitants of the several provinces; the principal inducement to be held out for acceptance of such office being honorary distinction, rather than emolument in the shape of salary.

6th. That the distinctions hitherto existing between what are called the covenanted and uncovenanted servants of Government be abolished, and that all public servants be entitled alike to look forward to promotion, according to merit and qualification.

7th. That to make room for the more general employment of Natives, a moiety of the number annually required to supply vacancies in the Civil Service be selected by the Governors of the several Presidencies, from youths who have been found on examination qualified for the public service by their acquirements in such branches of knowledge as shall be prescribed by Government.

8th. That seminaries of education, on the principle of Universities, shall be established in various parts of the country, where general as well as professional knowledge may be acquired, and degrees granted in law, medicine and mechanical art and science.

9th. That one code of laws be applicable to all classes of the community, and that all inhabitants of the country shall be subject to the same Courts, both in civil and criminal cases.

10th. That the Supreme Courts of Appeal at all the seats of Government shall have one Judge appointed by the Crown, and that all applicants for judicial office shall be required to pass an examination in law.

11th. That laws passed by the Legislative Council and approved by the Governor-General in Council shall not be liable to be rescinded, unless found by Her Majesty's Privy Council to be repugnant to existing Statutes of Parliament.

12th. That Government should be prohibited from engaging in future directly in the manufacture of opium or of salt; that for the revenue now realized by the manufacture and sale of opium, licenses to manufacture the drug and a duty on its exportation be substituted; and that in the same way, with respect to salt, the right of manufacture in each district where salt can be produced be farmed, under the protection of a fixed duty on importation.

Beseeching the favourable attention of your Lordships to the foregoing propositions, your Petitioner, as in duty bound, will ever pray.

G. J. GORDON.

PETITION,

PETITION, praying that One or more Universities may be established in British India, and that the Youth of India may receive such a Secular Education as may qualify them for Admission into the Civil and Medical Services, of CHARLES HAY CAMERON, late Fourth Member of the Council of India, President of the Indian Law Commission, and of the Council of Education for Bengal.

To the Lords Spiritual and Temporal in Parliament assembled.

The humble Petition of CHARLES HAY CAMERON, late Fourth Member of the Council of India, President of the Indian Law Commission, and of the Council of Education for Bengal,

Humbly showeth,

That your Petitioner was appointed a Member of the Indian Law Commission in the year 1834, and continued in that body as Member or President, until the year 1848.

That in the course of the years intervening between 1834 and 1848, the Law Commission sketched out a system of Law and of Judicial Establishments and Procedure for British India, whereof the following parts have been fully elaborated and reduced into the form of Acts of the Indian Legislature:

A Penal Code.
A Plan of a Model Criminal Court.
A Plan of Criminal Procedure.
A Plan of a Model Civil Court and of Civil Procedure.
A Plan for the abolition of the Recorder's Court in the Straits of Malacca, and for the constitution of an improved Judicature there.
A Law of Prescription and Limitation.
A *Lex Loci* for British India.

That, so far as your Petitioner knows, the Home Authorities have not felt themselves in a condition to pronounce a decision upon any one of the above propositions, except the plan of a Model Civil Court and Civil Procedure.

That, so far as your Petitioner knows, the Legislature of India has not felt itself competent to pronounce a decision upon any one of the above propositions.

That in the reports by which the Law Commission explained and justified the propositions above enumerated, and in various other reports, they have discussed a great number of important questions of Jurisprudence:

The Fusion of Law and Equity.
Special Pleading.
Appellate Judicature.
Small Cause Judicature, and its fusion with General Judicature.
The Jury, or the association of the Public with the business of Judicature.
The training of Candidates for the Judicial Office.

That the labours of the Law Commission, which (whatever may be their intrinsic value) have cost a great deal of public money, will, as your Petitioner apprehends, be lost to the people of India; and that the similar labours of any persons who may be appointed to complete the task imposed upon the Law Commission by Parliament, in the Statute 3 & 4 Will. 4, c. 85, ss. 43 to 55, will in like manner be lost to the people of India.

Your Petitioner therefore prays that the above-mentioned propositions and discussions of the Law Commission may be submitted to the consideration of competent jurists, who may decide whether the recommendations of the said Commission are or are not fit to be adopted.

That, as President of the Council of Education for Bengal, your Petitioner had opportunities of observing the desire and the capacity of large numbers of the Native youth of India for the acquisition of European literature and science, as well as the capacity of the most distinguished amongst them for fitting themselves to enter the civil and medical covenanted services of the East India Company, and to practise in the learned professions.

That the said Native youth are hindered from making all the progress they are capable of in the acquisition of the said literature and science.

First, because there is not in British India any University with power to grant degrees, as is done by Universities in Europe.

Secondly, because the European instructors of the said Native youth do not belong to any of the covenanted services of the East India Company, and do not therefore (whatever may be their learning and talents) occupy a position in society which commands the respect of their pupils.

Thirdly, because no provision has been made for the education of any of the said youth in England, without prejudice to their caste or religious feelings.

Your Petitioner therefore prays that one or more Universities may be established in British India.

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That a covenanted Education Service may be created, analogous to the covenanted Civil and Medical Services.

That one or more establishments may be created at which the Native youth of India may receive in England, without prejudice to their caste or religious feelings, such a secular education as may qualify them for admission into the Civil and Medical Services.

And your Petitioner will ever pray.

C. H. CAMERON.

Upper East Sheen Lodge, 13 May 1852.

PETITION for Inquiry into the Government, and Moral, Social and Religious Condition of the People of INDIA, of Ministers and Missionaries resident in CALCUTTA.

To the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled.

The Petition of the undersigned Ministers and Missionaries Resident in Calcutta,

Humbly showeth,

THAT your Petitioners are deeply interested in the welfare of the people of India; that they have been attentive observers of their social condition; and that they have devoted much labour to the work of their conversion from the service of dumb idols to the worship of the one living and true God.

That your Petitioners observe with anxious attention the deliberations of the British Parliament on all subjects connected with India; and more especially now, when the Charter of the East India Company is under consideration, they await the result with the most earnest desire that your Lordships may be guided by wisdom from above, and may be led to the adoption of measures that will augment at once the power and the honour of the British nation, and the welfare and happiness of this great country.

That early in the present year some of your petitioners transmitted to both Houses of Parliament petitions, praying that measures might be taken to ascertain the exact nature and extent of the connexion still subsisting between the Government of India and the Hindu and Mahommedan religions, and to dissolve and extinguish that connexion completely and for ever.

That the Petitioners also, in the said petitions, called attention to a despatch of the Court of Directors in 1847, forbidding their servants to take part in missionary undertakings, and praying for a copy of that document.

That your Petitioners feel much anxiety on these points, and earnestly pray that your Lordships will direct your attention to them.

That some of your Petitioners have recently addressed a Memorial to the Governor-general of India in Council, praying that a certain Draft Act for the final discontinuance of the grant which hitherto has been made annually by the Government of India to the Temple of Jagannáth at Púri may be passed into a law, and declaring the conviction of the said Petitioners that no compensation whatever, in law or in equity, is due to that Temple, and praying, therefore, that none may be paid.

That your Petitioners await the result of that Memorial with anxious expectation, having long and deeply mourned over the support by the Government of India of a shrine, which, for many ages, has been the scene of gross idolatry and indescribable misery; and your Petitioners pray that no final measures may be adopted for the renewal of the powers of the East India Company till effectual steps have been taken to remove that scandal, as well as to secure the complete separation of the Company's Government from the Hindu and Mahommedan religions, in all the various circumstances wherein there still subsists any direct or indirect connexion between them.

That your Petitioners desire to call the attention of your Lordships to other points that affect the interests of India, especially in the Presidency of Bengal, wherein your Petitioners reside and labour.

That your Petitioners have reason to believe that there is a vast amount of social disorganization, and of consequent suffering, in the whole country. Much of this your Petitioners can trace to the fearful superstition of the people, to their ignorance, and to the debasing effects of a popular mythology, which presents as objects of worship deities who are examples of every vice, and which ascribes sanctity and divine honour to a priesthood which is the principal curse of India. But speaking particularly of this great Presidency of Bengal, your Petitioners would represent to your Lordships the existence of evils which it falls properly within the scope of Government to meet and to control. The evils resulting from the religions of the country your Petitioners believe to have been greatly diminished since the commencement of Christian missions; and they willingly accord to the Government of India the praise of having abolished satis, and checked infanticide, thuggism, and the once prevalent practice of self-immolation. Your Petitioners do not now hear of the terrible occurrences with which their predecessors were familiar; of women drowning themselves publicly at the junction of the Ganges and the Jumna; of others sitting in pits to

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be smothered by heavy baskets of sand; and of devotees yielding themselves to death in the presence of multitudes, by means which require the active participation of heartless accessaries. A more just apprehension of their duty by the judicial officers of Government has restrained such suicides, by dealing with the accessaries as guilty of murder; and the enactment of several wise and salutary laws has restrained the other classes of crimes which your Petitioners have mentioned. Your Petitioners believe, however, that these results must in a large measure be ascribed to the growing influence of Christian missions, which have been blessed no less in raising the standard of piety and justice among the Europeans in India, than in the enlightenment of the consciences of the natives. But there are other evils with which the Government, as such, has to contend, and which your Petitioners regret to declare appear to be on the increase. Your Petitioners greatly fear that it will be found on inquiry that in many districts of Bengal neither life nor property are secure; that gang-robberies of the most daring character are perpetrated annually, in great numbers, with impunity; and that there are constant scenes of violence, in contentions respecting disputed boundaries, between the owners of landed estates.

That your Petitioners submit to your Lordships that the radical cause of both these evils is the inefficiency of the police, and the judicial system. Your Petitioners find that the sole protection of the public peace in many places is a body of policemen (called village chowkedars), who are in fact the ministers of the most powerful of their neighbours, rather than the protectors of the people. The body of peace-officers appointed and paid directly by the State will, on inquiry, be found to be entirely insufficient for the great districts for which they are provided; but few as they are, they also will be found to be oppressors of the people. The records of the criminal courts, and the experience of every resident in the districts of Bengal, will bear testimony to the facts, that no confidence can be placed in the police force (either the regular force or the village chowkedars); that it is their practice to extort confessions by torture; and that while they are powerless to resist the gangs of organized burglars or dacoits, they are corrupt enough to connive at their atrocities.

That your Petitioners believe that a strict and searching inquiry into the state of the rural population of Bengal would lead your Lordships to the conclusion, that they commonly live in a state of poverty and wretchedness, produced chiefly by the present system of landed tenures, and the extortion of the zemindars, aggravated by the inefficiency and the cruelties of the peace-officers, who are paid by the chowkedarry tax, or by the Government.

That your Petitioners believe that a well-organized police, with a more extensive and more effective judicial system, would do much to check the outrages that arise from disputes about land; but your Petitioners must also ascribe much of the evil which these outrages produce to the causes by which primarily such disputes are occasioned. Your Petitioners must declare, that from the want of a complete survey of the estates of the country, of a Registration Act to settle titles, and of laws to obviate the infinite mischief of the universal system of secret trusts, there is so much uncertainty about the landed tenures and boundaries in Bengal, that capitalists generally dread to purchase such property, and those who do, too frequently keep bodies of clubmen, to take and keep, by force, the extent of land to which they deem themselves entitled. Between contending proprietors, amidst scenes of constant conflict, and a prey to the corruption and the oppression of the police, the tenant is reduced, not merely to beggary, but also, in many cases, to a state of the most abject and pitiable servitude.

That your Petitioners attribute many of the evils that exist in this Presidency to the fact that (unlike the other Presidencies of India) it has no separate Governor. While the North-western Provinces during the past eight years have enjoyed the benefit of the rule of the same able and experienced Governor, the Presidency of Bengal, in the same period, has had eight successive changes of rulers; and in every case, whether the Governor-general or the Deputy-governor was for the time being ruler of the land, he has been encumbered also with other and weighty duties, as a member of the Supreme Council of India.

That your Petitioners attribute also to the want of a separate Governor for this Presidency the fact, that while much has been done in judicious and beneficial public works in the North-western Provinces and the Madras Presidency, and very recently also in the Punjaub, this great Presidency, which contains thirty-five millions of people, and yields nearly half of the entire revenue of India, has been very greatly neglected, and cannot be said now to have more than one good road of any considerable extent, while a vast portion of the country remains altogether untraversed and uninvestigated; and, in fact, never has been visited by any of the Governors of Bengal from the day when the Company first obtained the Dewanny.

That your Petitioners believe that justice calls for a separate Government for Bengal, and in order to render it as effective as possible, your Petitioners submit that the limits of the Presidency should be curtailed, and that Arracan and the Tenasserim Provinces, with Penang and Singapore, might be formed into a separate Presidency.

That there are many measures to which your Petitioners would desire the attention of your Lordships to be directed, in connexion with the Government of Bengal. The principal of these your Petitioners beg leave to submit as follows:

1. The appointment for the Presidency of Bengal of a separate Governor, who shall be relieved of all share in the general Government of India.

2. The entire and thorough reform of the police, by consolidating the village or zemindarry chowkedars and the Government police, and the placing all under active, trustworthy and efficient

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efficient superintendence. Your Petitioners believe that it is difficult to over-estimate the importance of a comprehensive, enlightened, and benevolent settlement of this subject, so that a police force, worthy of the British Government, and under the direct control of confidential and efficient officers, may at length be provided for this country.

3. The summary and severe punishment of perjury and forgery, immediately on their detection in judicial proceedings. Your Petitioners regard a measure of this kind as one of the chief wants of this country; for perjury has almost ceased to be regarded as morally wrong; it constitutes the stock in trade by which numerous witnesses for hire subsist; the impunity and success with which systematic perjury and the forgery of documents are commonly practised tend to encourage the already too prevalent habits of falsehood and deception among the great body of the people; and, as a necessary consequence, justice is now constantly mocked and defeated, or the powers of the law are used, without remorse, as engines of oppression and extortion, through the infamous arts of the traders in corrupt litigation.

4. The reduction of the size of the judicial districts, in which at present the chief station is commonly so far removed from the greater number of the towns and villages that justice, in many instances, is practically denied, and in a very large number of others is obtained under difficulties and discouragements, and at a loss of time and money, that render every connexion with judicial proceedings a heavy calamity alike to the suitors and the witnesses. Your Petitioners believe that careful inquiry would prove that many persons, of various ranks, throughout the country are enabled, by their distance from the seat of justice, to set the law at defiance; and that the great expense of carrying witnesses so far, and of supporting them while detained, is one of the chief temptations that lead to the employment of the mercenary perjurers who infest every court and judicial station.

5. The increase of the number of judicial officers, and their suitable and satisfactory preparation for the important task of administering justice; so that the law may be administered in every district on a uniform system, and on just, definite and intelligible principles.

6. The institution of all criminal suits on *vivâ voce* applications only, and the administration of justice on *vivâ voce* evidence only, to be taken by the judge or magistrate in person. Your Petitioners admit that to a certain extent justice is already thus administered; but, to a very great extent, written depositions, taken down and read to the officiating officer by venal men, are used in the Mofussil Courts; and this practice, your Petitioners submit, leads to much uncertainty, to constant misunderstandings, and great injustice; while, at the same time, it deprives the courts of the well-known advantages of personal conference with the witnesses in the presence of the parties.

7. A careful and complete survey of the country, to fix the boundaries of the villages and landed estates, and a renewal of the survey wherever the encroachments of the rivers, or other causes, render it desirable.

8. An Act for the registration of titles and deeds relating to land, carried out in a comprehensive and liberal spirit.

9. An Act to check the prevalent system of secret trusts, commonly called benamee transactions. The evils which a measure of this kind would meet are so extensive in this country as to become a marked peculiarity in its social system. Among these evils, the prevalence of litigation and frauds on creditors are notorious; but other evils, of a less obvious, though not less serious nature, will on inquiry be found to arise from the benamee system.

10. A measure to encourage capitalists of enterprise and public spirit to purchase land, and also to encourage smaller holders to raise themselves to the position of independent freeholders, by providing such means as shall be just and equitable alike to the State and to the purchasers, for the permanent redemption or commutation of the present land-tax.

11. A measure for the promotion throughout the whole country of a cheap elementary system of vernacular education, and the removal of all restriction on the Christian teachers in any of the Government schools and colleges affording instruction in Christianity, when it is sought by the pupils.

12. The periodical publication of full and clear statistical comparative returns of the population, resources and progress of this Presidency.

13. The prohibition, by law, of the public barbarities which accompany the Churruck Puja; and also the prohibition of every other public exhibition of fanaticism, whereby the moral sense of the community is debased and ruined, and human life is endangered.

14. The regulation of the practice of carrying sick persons from their houses to the river's bank, with the view of preventing the abuse of the popular superstition into a means of hastening death in fatal diseases, and rendering it inevitable in the case of any whose diseases are not of that character.

15. The introduction of a system of general visitation of the Presidency by the Governor for the time being, so that he may become closely and intimately acquainted with the qualifications of the subordinate officers of Government; with the general administration of public

public affairs; with the local wants and feelings of the people; and with the progress of the public works.

16. The extension of the means of internal communication, by the increase and improvement of roads, and of the postal arrangements throughout the country. Your Petitioners believe that few things would tend more rapidly to the social improvement of the country than the increase of the means of intercourse and communication.

17. The liberal encouragement of all public works which are calculated to develope and improve the resources and trade of the country. Your Petitioners submit that such encouragement is very much needed; and as a proof, they beg to state that, even in the immediate vicinity of Calcutta, the two canals by which, during eight months of the year, the great majority of boats leave or approach the commercial capital of India, are utterly inadequate to the immense traffic of which they are the channels. Your Petitioners also apprehend, that inquiry will prove that the resources of some districts are at present almost entirely lost and wasted, through the want of public works that would give vent to the industry of the inhabitants and the products of the soil.

18. The complete and absolute severance of the Government of India from all connexion, direct or indirect, with the Hindu and Mahommedan religions.

That your Petitioners believe, that from these measures, together with the constant operation on the Government of India of public opinion, and of the vigilance of the Parliament in Great Britain, results the most important and desirable might speedily be secured.

That your Petitioners submit to your Lordships, that it is the paramount duty of the Government of India to promote the highest interests of the people committed to their care; and that all measures whereby revenue is raised to the detriment of the public morals, is a violation of this duty.

That your Petitioners fear that on inquiry it will be found that the abkaree system for the regulation of the sale of wines, spirits and drugs, has, in practical operation, tended to foster among a people, whose highest commendation was temperance, a ruinous taste for ardent spirits and destructive drugs, by the efforts made to establish licensed new depôts for them, in places where the use of such things was little or not at all known before; and your Petitioners, therefore, pray that your Lordships will inquire into this matter, with a view to the abkaree system proving a check, rather than an encouragement to the use of intoxicating drugs and spirits.

That your Petitioners observe with much regret the continuance of the East India Company's extensive trade in opium. Your Petitioners view the traffic carried on with China in this contraband drug as second only to the slave-trade in iniquity; and they regard the collection of a great revenue from the opium monopoly by the East India Company, under the sanction of the British Legislature, as a breach of faith with the Chinese Government, and as an odious participation in a guilty and ruinous trade, which they view with amazement and abhorrence.

That your Petitioners earnestly desire to see the Government of India relieved from the fearful responsibility of raising a revenue by providing annually an enormous quantity of a drug, which is notoriously purchased and shipped to China under British sanction, to gratify the morbid craving of multitudes of infatuated people for its enervating and fatal poison.

That your Petitioners submit, that good faith with the Government of China, and common humanity to the unhappy myriads who annually ruin their health and destroy their lives by opium in China, should lead the British Government in India, as well as in the China seas, to check and to repress the wicked traffic by which the drug is supplied for the market in Bombay and in Calcutta, and is then shipped to and clandestinely sold as contraband in China.

That your Petitioners are ready to acknowledge that there has been a great improvement in the spirit and measures of the Government of India since the Charter of 1813 was granted; but your Petitioners have felt it to be their duty to bear testimony to the existing state and wants of Bengal; and they submit to your Lordships, that to secure the continuance and the increase of the zeal of the East India Company for the improvement of this country, it would be better to limit the period of their powers to a shorter period than 20 years, so that the manner in which they have been exercised may again speedily come under review.

That your Petitioners fear that the present year has been marked by so many unexpected public events, and by so much political excitement respecting the state of parties and the future policy of Government in Great Britain, that the subject of the East India Company's Charter has not been investigated so deeply as it would have been by your Lordships in a period of greater public tranquillity; and your Petitioners submit that this is another reason, of much force and importance, for the limitation of the Charter now contemplated to a period less than 20 years.

That your Petitioners further submit to your Lordships, that it would be wise and expedient to make such changes in the Home Government of India as would tend to secure the services of persons who had gained local experience; and, further, to provide that, in the distribution of the valuable patronage of the East India Company, a large part should be reserved for the reward and encouragement of superior and eminent talent and industry, in the principal schools and colleges of Great Britain.

That your Petitioners thankfully assure your Lordships that they have been abundantly encouraged in their own efforts to improve the condition of India, and that the whole

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Protestant missions in the country have been favoured with many and remarkable tokens of the Divine blessing. Your Petitioners beg permission to inform your Lordships, that at the present time the number of ordained Protestant missionaries in India exceeds 400, and that they have gathered into the visible Church of Christ 103,000 converts; that they are receiving the aid of 551 Native preachers; have upwards of 300 Native churches; 1,340 vernacular day-schools, 73 boarding-schools, and 120 English day-schools, besides upwards of 440 day-schools for Native girls; that the complete Bible has been translated into 10 of the languages of India, and the New Testament into five more; that a very considerable vernacular Christian literature has already been provided for the people; and that a spirit of inquiry, a desire for education, and a general feeling of respect for Christianity and for Christian teachers, have been excited in all the spheres of the missions. Your Petitioners deeply deplore the inadequacy of their numbers, and the partial extent to which zeal for the conversion of the heathen is manifested in Great Britain; and they earnestly and constantly implore the Lord of the harvest to awaken a wider and more affecting sense of India's destitution among all who profess and call themselves Christians; but at the same time, they are bound to record, with devout thankfulness, the progress that has been made; and they anticipate with confidence increasing proofs that the ancient systems of superstition are fast crumbling away, and that the day is approaching when the light of the Gospel of Christ will bless all the families of this country. Your Petitioners gratefully record the passing of an Act by the Government of India in 1850, whereby the rights of Native Christians are secured; but they regret that this and other measures of equal simplicity and justice were obtained only after great and harassing delays; and they now have to lament over the continuance of other evils, which a more just, prompt and vigorous administration of public affairs might long since have removed, and the removal of which might have tended greatly to the improvement of the condition of the people, and their willingness to consider the Gospel, as well as to that independence and strength of mind and character which the profession of a new religion in scenes of ancient idolatry and superstition especially requires.

That your Petitioners are deeply impressed with a solemn conviction that this great and populous country has been entrusted as a sacred charge and stewardship to the Government of Great Britain; that the hand of God was never more visible in the history of nations than it has been in the progress of British power in India; and that every consideration of interest and duty should combine to secure from the British Legislature every measure that is calculated to elevate and improve the class of its rulers and its judicial and ministerial officers. The influence of India on the whole continent of Asia, your Petitioners believe has already been remarkably powerful and extensive; and that influence, if the country be governed in an enlarged spirit of wisdom and benevolence, and if the blessing of the God of nations rest on the efforts alike of the Government and of the preachers of the everlasting Gospel of peace, may ultimately prove the immediate cause of that great and universal change in the whole social and religious state of this continent, with its vast population of more than half mankind, which the Scriptures of truth lead the Church of Christ confidently to expect. Your Petitioners, therefore, regard the present time, when the subject of the Government of India is under the consideration of your Lordships, as a period of momentous importance; and they earnestly implore that your Lordships may be so guided by the Spirit of the Lord into wise and righteous conclusions, that generations yet unborn may celebrate with thankfulness and joy this era in the annals of the British empire.

Finally, your Petitioners earnestly pray, that your Lordships will be pleased to consider the premises; to apply to the subject of the Government, and to the moral, social and religious condition of India, and to her material resources and political difficulties, the most comprehensive, minute, and searching scrutiny; and, finally, to pass such measures as shall redound to the honour and glory of God, as well as to the happiness and prosperity of the people whom He has given to the dominion of Great Britain.

(signed) W. S. Mackay, Missionary of the Free Church of Scotland.

[And 25 others.]

Appendix D.

PETITION of the MADRAS NATIVE ASSOCIATION, in behalf of themselves and other Native Inhabitants of the Presidency of Madras, complaining of the present Mode of raising the Revenue of the Government, and of the Salt Monopoly and other Grievances.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the MADRAS NATIVE ASSOCIATION, in behalf of themselves and other Native Inhabitants of the Presidency of Madras,

Showeth,

1. THAT your Petitioners, being desirous to avail themselves of the opportunity afforded by the approaching expiration of the Charter granted to the Honourable East India Company for going before Parliament with an exposition of various circumstances connected with the Government of this country, which, as acknowledged subjects of Her Majesty, they feel to be serious grievances urgently demanding redress, formed an association at Madras, on the 26th of February 1852, for the purpose of co-operating in this great object with a similar association established at Calcutta, under the name of the British Indian Association, with whom they immediately entered into correspondence, intending, as a branch society, to place themselves under the guidance of that body, to whose superintendence the work of petitioning the Imperial Parliament, on points involving the joint interests of both Presidencies, should be committed. That for this purpose they had previously been collecting the requisite information from various quarters, and collating a large amount of manuscript statements, together with printed documents, in order to ensure the utmost correctness regarding the subjects to be laid before your Right honourable House.

2. That in the course of the above-mentioned correspondence, the Calcutta Association transmitted to your Petitioners the sketch of a petition, to which the consent of your Petitioners, with such suggestions thereon as they might deem requisite, was requested; but that the said sketch related almost wholly to plans and recommendations of change in the Government of this country, for the exaltation of the highest classes of the Hindus, while it left almost untouched the pitiable condition of the middling and lower classes, and was in various respects unsuitable to the circumstances of the inhabitants of this Presidency; your Petitioners, thence perceiving that there were many important points in which a joint interest could not be taken, and others in which there could not be joint concurrence, deemed it expedient to withdraw from their connexion as a branch association, subordinate to that of the metropolis, and to constitute from among themselves an independent society, under the denomination of the Madras Native Association, with the view of bringing before Parliament the immediate grievances of their own Presidency.

3. That from the time of dissolving that connexion, your Petitioners have been engaged in condensing the mass of their information and researches into a petition, of which the succintness should not impair its perspicuity in detail and explanation of the evils that are felt by all, but of which the actual causes, your Petitioners submit, cannot be clearly traced and set forth without a large consumption of time and labour. This Petition they entertain the best hope of being able to bring to a successful completion in time for its presentation to your Right honourable House during the early part of the Session of 1853; but having received private intimation by the mail of the 8th of August that the discussion on the weighty question of the Charter will probably commence before the close of the present year, and that the destinies of this important and extensive portion of Her Majesty's dominions may be determined for another period of 20 years, before your Petitioners can have an opportunity of stating their grievances to your Right honourable House, in the full and explicit manner above alluded to, they humbly express their hopes that time will be graciously allowed them for the transmission of the said Petition, now in course of preparation, prior to the closing of the inquiry by the Committee of your Right honourable House.

4. That the grievances of your Petitioners embrace, principally, five points:

First. The present mode of raising the revenue of Government, particularly that part derived from agriculture, which, under the ryotwar system, is so oppressive to the vast mass of the population, that it has ground them down to the extremity of wretchedness and poverty.

Secondly. The salt monopoly, which is felt by the poor to be a burthen of the most painful and intolerable pressure.

Thirdly. The defects and evils attending the general administration of justice in the Honourable Company's Courts, which are presided over by judges not duly qualified by a course of legal education, who administer a system which does not secure to persons criminally arraigned that fair and open trial by their peers which obtains in the Queen's Court of Judicature, and which your Petitioners humbly think should be allowed to all subjects of the British Crown.

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Fourthly. The almost total neglect of national education, there not being a single provincial school established by Government throughout the entire Presidency, and only one at the capital.

Fifthly. The great deficiency and neglect of works of irrigation and public highways for the transport of produce.

5. That besides the above special points, there are many others connected with the general administration of the Government on which your Petitioners propose to dwell in their petition not yet completed, and which, therefore, they now forbear to specify.

6. That, finally, your Petitioners, feeling the grievances to which they are desirous of drawing the attention of your Right honourable House, with a view of procuring their redress, to be deeply subversive of the interests and happiness of the people of this Presidency, as well as the prosperity of the country, humbly pray that time may be granted them for the presentation of their petition to your Right honourable House.

And your Petitioners, as in duty bound, shall ever pray.

Madras, Native Association Office,
the 11th October 1852.

(Signed by 11 Natives.)

PETITION of RUNGO BAPOJEE, the next Friend, and by Will one of the appointed Guardians of SHAHOO MAHARAJ, an Infant and Minor, who is the sole Male next-of-kin, and also the lawfully adopted Son and Heir-at-Law of his late Highness PERTAUB SHEAN, Rajah of SATTARA, deceased, and also the nearest Male next-of-kin and Heir-at-Law of his late Highness APPA SAHIB, also Rajah of the said State, deceased, praying for the Restoration of the said SHAHOO MAHARAJ to his Rights and Property, or that the Petition may be referred to the Select Committee on the Government of INDIAN TERRITORIES.

To the Right Honourable the Lords Spiritual and Temporal in Parliament assembled.

The Petition of RUNGO BAPOJEE, the next Friend, and by Will one of the appointed Guardians of Shahoo Maharaj, an Infant and Minor, who is the sole Male next-of-kin, and also the lawfully adopted Son and Heir-at-Law of his late Highness Pertaub Shean, Rajah of Sattara, deceased, and also the nearest Male next-of-kin and Heir-at-Law of his late Highness Appa Sahib, also Rajah of the said State, deceased,

'Showeth unto your Right honourable House,

THAT his late Highness Pertaub Shean, above named, was the sixth Rajah of Sattara in descent from Sivajee Chuttraputtee, who founded the empire of the Mahrattas, and transmitted it to his descendants.

And your Petitioner further sheweth, that in the year 1817 the late Bajee Rao, being then the peishwa or prime minister of that empire, but who had usurped its government, and made the Rajah Pertaub Shean his captive, made war in the name, but contrary to the desire of his master the rajah, against the East India Company, and that, in consequence thereof, and by the advice of the Rajah Pertaub Shean, the Honourable Mountstuart Elphinstone, then being the British Commissioner at Poonah, duly appointed and acting under the authority of his Excellency Marquis Hastings, Governor-general of India, did, on the 11th day of February 1818, publish a proclamation, addressed by and in the name of the Rajah Pertaub Shean, to the Mahratta nation, warning all its princes, chiefs, nobles and people to refrain from hostilities against the East India Company, and commanding them to abandon the peishwa, under pain of treason in case of disobedience to him the rajah. The proclamation also stipulated, in the name of the Governor-general of India, that when and so soon as the rajah should be released from the peishwa's captivity, he should be "placed at the head of an independent sovereignty," adequate to his dignity and lineage.

And your Petitioner further sheweth, that on the 20th day of February 1818, at Ashtee, in India, the Rajah Pertaub Shean, being then detained against his will by the peishwa in the midst of the peishwa's forces, who were actually engaged in battle with the British forces, did leave and abandon the forces of the peishwa, and go over to the British, bringing with him his mother, his two brothers, and others his kindred, and that on arriving amongst the forces last mentioned, the rajah surrendered himself, family, and attendants to Captain Pringle Taylor, now a lieutenant-colonel in Her Majesty's service, and that thereupon, and in consequence of such abandonment, the peishwa and his forces left the field of battle, dispersed, and fled, whereupon the commander of the British forces, the late Lieutenant-general Sir L. Smith, in token of the manner in which the victory of Ashtee was gained, hoisted on the walls

walls of the fort of Sattara the royal standard of the rajah, and caused the same to be saluted by the whole of the British forces.

And your Petitioner further sheweth, that, in performance of the stipulation aforesaid, a solemn treaty, bearing date the 25th day of September 1819, was made and concluded between the East India Company, in the name of the English Government, of the one part, and the Rajah Pertaub Shean of the other part; by the first article of which treaty the territory constituting the state of Sattara was confirmed and guaranteed "to the Rajah of Sattara, his heirs and successors, in perpetual sovereignty," under the protection of the Crown of Great Britain, which treaty was duly acknowledged and ratified by the English Government.

And your Petitioner sheweth, that the Rajah Pertaub Shean was in the year 1836 accused upon certain secret and ex-parte charges by the East India Company, and was in the year 1839 declared by them, they being his accusers and judges, guilty of those charges, without having been heard in his defence; and was thereupon, and in consequence of such declaration, deposed from his sovereignty, forcibly deprived of his property and effects, real and personal, public or political, as well as personal or private, and he himself taken from Sattara, removed under the custody of a military guard to Benares in Bengal, and there kept a prisoner in such custody down to the 14th day of October 1847, when the rajah died, without having obtained any hearing of or reparation for his grievances, notwithstanding his many applications to the East India Company for such hearing and reparation, and notwithstanding his continued denials of the truth of the said accusations, and his offers to prove their falsehood before any British tribunal.

And your Petitioner further sheweth, that at the time the Rajah Pertaub Shean was removed captive from Sattara to Benares, the East India Company, by Sir James Rivett Carnac, Governor of Bombay, gave the rajah a written guarantee and pledge, dated 30th August 1839, in the words following: "An annual allowance will be assigned from the Sattara revenues for the support and respectability of himself and those members of his family who may choose to accompany him." "Further, that all property belonging to him *bonâ fide* private, and not appertaining to the state, will, on his peaceable submission, not be interfered with." Which written guarantee was three times repeated subsequent to such deposal.

And your Petitioner further sheweth, that immediately upon the deposal of the Rajah Pertaub Shean, the East India Company, recognising the validity and unbroken obligation of the treaty of 1819, acknowledged and declared his late Highness Appa Sahib, the surviving brother of the deposed rajah, to be his heir and successor in the principality, and did proclaim Appa Sahib to be the Rajah of Sattara accordingly; and did furthermore, in and by a second formal treaty, which was, at the dictation of the East India Company, made and concluded on the 4th day of September 1839, between the Rajah Appa Sahib of the one part and the East India Company of the other part, and was duly acknowledged and ratified, solemnly and for the second time assure and guarantee the state of Sattara to the rajah thereof, his heirs and successors, in perpetual sovereignty, and did also confirm the first treaty of the 25th September 1819.

And your Petitioner sheweth, that by a proclamation, bearing date the 5th day of September 1839, at Sattara, being the day after the date of the second treaty, the British Resident there, acting under the orders of Sir James Rivett Carnac, Baronet, Governor of Bombay, notified by proclamation to the people of Sattara that the East India Company, having no views of advantage and aggrandizement, had resolved to invest the brother and next in succession to the deposed rajah with the sovereignty of the state, according to the limits fixed by the first treaty, and all persons residing within his territory were required to render to him allegiance as Rajah of Sattara; which proclamation was afterwards duly recognised and approved by the British Government.

And your Petitioner further sheweth, that the Rajah Appa Sahib departed this life on the 5th day of April 1848, at Sattara, without issue.

And your Petitioner further showeth, that the Rajah Pertaub Shean did, according to Hindoo law, adopt as his son the infant Shahoo Maharaj, and by his will, dated 10th October 1845, which was executed and published by him at Benares according to the forms of that law, he declared and directed that Shahoo Maharaj should succeed him in his rights, property (private and public), titles, and in everything appertaining to his rank, station, and person; and that the rajah did immediately, publicly, and in a formal manner, notify this adoption to the East India Company through Lieutenant-colonel Carpenter, the officer then having the custody of the rajah at Benares; which adoption the East India Company at that time never questioned.

And your Petitioner sheweth, that Shahoo Maharaj is by birth the lawful and only son and heir of the late Bulwunt Rao, commonly called Balla Sahib Sennaputty, who, in his lifetime, was thus described by Sir Robert Grant, Governor of Bombay, in a minute dated 30th January 1837: "The question is as to Balla Sahib Sennaputty; he is the near relation of the rajah (Pertaub Shean), and supposing that the rajah and the rajah's brother (Appa Sahib) set aside, the proper representative of the family." Balla Sahib was carried away captive from Sattara with the Rajah Pertaub Shean, and expired of grief on the journey to Benares, leaving Shahoo Maharaj, born on that journey, a fatherless infant.

And your Petitioner sheweth, that, by the Hindoo law universally obtaining, it was absolutely obligatory upon the Rajah Pertaub Shean to adopt in his lifetime a son and heir according to that law; and that such obligation was not only a legal, but also of a highly solemn and religious character, and binding upon the conscience of Pertaub Shean, and not to be

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evaded or dispensed with; and that the son so adopted according to Hindoo law acquires immediately, upon and by means of such adoption, the style, character, and capacity of a lawful son of the body, as well as of heir, of the prince or person so adopting him.

And your Petitioner further sheweth, that, according to the laws of nations, being part and parcel of the municipal law of the British realm, and also according to the laws and customs of the Mahratta state and the other native states of India, and likewise according to the law and practice of the British Indian dominions, the right of a rajah of any Mahratta or Hindoo principality to give succession to the same by means of male adoption is, and hath ever been, an indisputable and immemorial right, and your Petitioner humbly submits that the same cannot now be lawfully questioned by the East India Company, or by any person or persons whomsoever.

And your Petitioner further sheweth, that, upon the death of the Rajah Appa Sahib, the sovereignty of the state of Sattara and the public property, which by express letter and spirit of both treaties above mentioned descended of right to the next heir of the deceased rajah, were claimed and seized by the East India Company upon the pretence of a failure of male heirs to both rajahs.

And your Petitioner further sheweth, that the infant Shahoo Maharaj, being not only the adopted son of the Rajah Pertaub Shean, but also his male next of kin, and also the sole next of kin and heir of the Rajah Appa Sahib, even if the act of adoption had not taken place, he would according to law and to the second treaty have equally inherited upon the death of the Rajah Appa Sahib in such his character of male heir and next of kin, and that therefore, both by adoption and by blood, Shahoo Maharaj is now the undoubted lawful heir of the Rajah Pertaub Shean, as also of the Rajah Appa Sahib.

And your Petitioner sheweth, that Shahoo Maharaj also claims to be entitled as heir to the private property and effects, real as well as personal, of the Rajah Pertaub Shean, and which were taken possession of by the East India Company on the rajah's captivity and removal to Benares in September 1839, and which were guaranteed to him by the East India Company expressly in addition to the annual allowance settled upon him at that time.

And your Petitioner showeth, that the East India Company have hitherto wholly refused to accede to his applications made in this behalf, and have hitherto retained, and still do retain, possession of the state of Sattara and of the public and private property and effects belonging to Shahoo Maharaj, and claim in the name of the British nation the right to retain and appropriate the same, and that they have retained and appropriated the same accordingly; and that in particular, by a proclamation, dated the 12th day of May 1849, and published in India, the whole of the state of Sattara hath been, and is, in violation of the above treaties, and in confiscation of the rights of Shahoo Maharaj, annexed and declared to be annexed unto the Indian territories; and that the East India Company, in order to colour such unlawful appropriation and spoliation, pretend that the succession of the two rajahs, Pertaub Shean and Appa Sahib, has lapsed by failure of heirs, whereas your petitioner has shown, and does show, and is ready to verify the contrary of such pretence to be the truth; first, by the written testimony above cited of Sir Robert Grant, Governor of Bombay; secondly, by the evidence of H. B. E. Frere, esq., the Company's Resident at Sattara, affirming that no such failure hath occurred, the Resident having declared, in his letter to the Bombay Government, dated the 23d September 1848, "that there were numerous claimants to the throne (of Sattara), who would be able to establish a very good *primâ facie* case, in any court of justice in India, to be the rajah's heir by blood as against the British Government;" and having further written as follows: "I would take this opportunity of respectfully, but very earnestly, pressing on Government the risk of pronouncing any final decision, whether in favour of one adoption against another, or of the British Government against both, and against all other claimants, without allowing every party whose claim may be negatived the fullest possible opportunity, not only of himself stating the grounds of his own claim, but of answering all objections."

And your Petitioner further sheweth, that he hath repeatedly presented to the East India Company his complaints touching the grievances and wrongs done to Shahoo Maharaj, and sought reparation for the same, but that all his complaints have been unheeded, or rejected without examination or inquiry; and that, to add to these grievances, and also with the view of compelling Shahoo Maharaj to renounce and abandon the prosecution of his claims in that behalf, the East India Company did for several years deny to him and to the widow or ranee of the Rajah Pertaub Shean, both detained prisoners at Benares (where the infant has been kept since his birth), the means of subsistence for himself and the said ranee, and for their retainers, until such time as they should agree to such written renunciation or abandonment; and as evidence of this conduct, your Petitioner humbly begs to refer to the following papers: No. 669 of 1850, laid before the honourable The House of Commons, and ordered to be printed on the 5th day of August of that year; that is to say, a despatch bearing date "Fort William, Foreign Department, 6th April 1850, signed Dalhousie, J. H. Littler, F. Currie, J. Lowis," and "addressed to the Honourable the Court of Directors of the East India Company," and a despatch in reply thereto, bearing date, "Foreign Department, India House, 10th July (No. 19), 1850," signed "J. Shepherd, J. W. Hogg, &c. &c." and addressed to "our Governor-general of India in Council."

And your Petitioner further sheweth, that, in furtherance of their purpose of forcibly compelling this infant to agree to such renunciation and abandonment, the East India Company have, by withholding from the ranee for about four years the means of subsistence for herself and her household, procured from her some document whereby she hath (as they allege) debarred herself of her right to concur with your Petitioner in his present petition; but

but your Petitioner is advised and submits that, inasmuch as the ranee hath no jurisdiction over Shahoo Maharaj, nor power to sign away his rights, he being an infant and a minor, any such document, even if the same be genuine or valid as against the ranee, and even if not extorted from her under duress and starvation, must be and is, as against Shahoo Maharaj, wholly inoperative and void.

And your Petitioner lastly sheweth, that the amount of the annual revenues of the state of Sattara, so appropriated by the East India Company, is officially admitted now to be more than 142,000 *l.*, and prospectively to be from 400,000 *l.* to 500,000 *l.* per annum, and that the amount in value of the public property and effects belonging or incident to the state exclusive of the revenues, is more than 45,000 *l.*, and the amount in value of the private or personal property and effects appropriated exceeds 300,000 *l.* Further, that of the separate income derivable from real property, bought and left by the Rajah Pertaub Shean, and now appropriated by the East India Company, a portion is derived from lands situated in the territories of the East India Company, and is returned by Viscount Falkland, Governor of Bombay, as of the annual value of rupees 25,529, or 2,552 *l.*

That, by reason of Shahoo Maharaj being treated at Benares as a political prisoner, although denied to be a rajah either by birth or adoption, the local courts of the East India Company are prohibited from entertaining the matter of his complaint in the premises, while by reason of the forcible detention of his person by the same power which refuses to hear him, at the very same time that it degrades and beggars him, he is prevented from placing himself within the jurisdiction of Her Majesty's Supreme Courts in India, and seeking justice from them.

Your Petitioner has, therefore, no possible hope nor human means of obtaining inquiry and redress for Shahoo Maharaj, except from the justice of your Honourable House, and from the supremacy and impartiality of British law.

And therefore your Petitioner humbly prays that your Right honourable House will be pleased either to direct the restoration of Shahoo Maharaj to his rights and property in the premises, or else to refer the matter of this petition, and the case and circumstances as therein set forth, to the consideration of the Committee of your Right honourable House now appointed to review the conduct of the East India Company in India, with instructions to take all evidence which shall be deemed requisite, and to require the production of all proceedings, correspondence, and documents in the possession, or power, or under the control of the East India Company, or their servants, relating to the premises, or of true and exact copies of such particulars respectively, and to report thereon to your Right honourable House.

And your Petitioner will ever pray.

RUNGO BAPOJEE,
Vakeel of his Highness Shahoo Maharaj, Rajah of Sattara,
now at Benares.

PETITION for Inquiry into the present State of the Affairs of INDIA, of Proprietors of East India Stock, and British Subjects interested in the Welfare and Good Government of India.

To the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled.

The Petition of the undersigned Proprietors of East India Stock, and other Persons, British Subjects, interested in the welfare and good government of India.

Showeth,

That from the year 1765 to the year 1792, the limits of the British Territory in India remained almost stationary; that in the year 1793 the revenues of British India amounted to 8,276,770 *l.*, the charges to 6,633,95 *l.*, so that the territory then yielded a surplus revenue of 2,209,846 *l.*, whilst the territorial debt amounted to 7,129,934 *l.*

That between the years 1793 and 1813 large additions were made to that territory.

That in the latter year (1813) the gross revenues of India amounted to 16,764,700 *l.*, the charges to 16,899,362 *l.*, showing an excess of charges over revenue of 134,362 *l.*; that the debt in this period of 20 years had increased from 7,129,934 *l.* to 26,970,786 *l.*, or to nearly four times its original amount.

That the Committee of the House of Commons on Indian Affairs, which sat in 1832, reported to your Honourable House, that up to that period the gross charges of the Indian territory had augmented in a greater proportion than the receipts.

That in the year 1833, 20 years after 1813, the revenues amounted to 13,680,165 *l.*, the charges to 13,630,767 *l.*, showing a surplus of revenue of 49,398 *l.*, but which surplus was partly derived from the sale of the Company's commercial assets in India.

That on the 1st April 1834 the debt amounted to 29,832,299 *l.*

That on the 1st April 1849, 15 years after, when the whole of Hindostan had been brough under our sway, the revenues of India amounted to 18,227,350 *l.*, the charges to 19,700,465 *l.*, shewing an excess of charges over revenue of 1,473,115 *l.*, while the debt had swollen to 48,124,119 *l.*

That from the year 1839-40 to 1849-50, the total charges of India were 183,369,206 *l.*, the total receipts 168,622,144 *l.*, showing an excess of charges over receipts during these 10 years of 14,747,062 *l.*

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That in 1839 the debt of India amounted to 32,269,178 *l.*; in 1849, at the end of the next 10 years, it amounted to 48,124,119 *l.*, and that the debt has since increased, and is at this moment increasing.

That the revenues of India amounted, in 1839, to 14,549,262 *l.*; in 1849, to 18,227,350 *l.*, showing in this decennial period the debt has increased several times as fast as the revenue.

That this increase of revenue moreover arises mainly from a source over which the British Government has no control, viz., from the sales of monopoly opium; that as the receipts from this source were diminished by one-half upon the breaking out of the last Chinese war, the same or more aggravated results may be produced whenever the Chinese government may choose to legalize the cultivation of the drug in China, or whenever other nations, such as the United States, attracted by its monopoly price in that empire, and now possessing boundless land in the Pacific adapted by natural fertility and a congenial climate to the growth of the poppy, shall turn their energy and attention to the supplanting of the Company's opium in China as successfully as they have supplanted the Company's cotton in England.

That your Petitioners entertain a strong conviction that it would be impossible, at the present moment, to supply a deficiency in the opium revenue from any other source in India; that the solvency of India, therefore, now depends, and has for many years depended, upon the stability of that monopoly.

That up to the year 1834, the profits arising from the Company's exclusive trade were applied in aid of the Indian treasury; that from that date all the home expenses, including the interest upon the home debt and the dividends paid to the proprietors of India stock, have been charged upon the territorial revenues of India.

That the confident predictions, which had at all previous times been expressed, and which were again expressed by the Minister of India in 1832, of the competence of the revenues to bear all these additional charges, have not been realized; that, on the contrary, every increase of territory has been followed by a greater increase of debt, making it manifest, that if England possessed the whole world on the same terms, and followed by the same results, as she possesses India, her condition would be one of irretrievable ruin.

That such results prove that India regarded as a national acquisition, that is to say, as an acquisition made by British blood and British resources, and consequently as one in which every subject of the empire possesses a common right, and is entitled to claim an equal interest, was of far less real financial value in the year 1849 than it possessed in the year 1793, 56 years ago; for whereas the surplus revenue of 1793 amounted to 2,209,846 *l.*, and would at the same rate have amounted in the 56 years which have elapsed to the sum of 116,217,610 *l.*, after paying off the then existing debt of 7,129,934 *l.*, and exclusive of any accumulating interest during the period, the actual debt of India is shown to have amounted in 1849 to 48,124,119 *l.*, thus making the total national loss, exclusive of interest incurred in the course of half a century, no less a sum than 164,341,729 *l.* sterling.

That this sum, if it had accumulated at interest at 5 per cent. during 56 years, would have amounted to the sum of 625,290,172 *l.*, a sum which would more than have sufficed to pay off three-fourths of the National Debt of England, without the acquisition of another foot of territory in India, or the imposition of an additional rupee of taxes on the people of India.

That the financial state of India is, therefore, in the opinion of your Petitioners, such as to require a searching inquiry into all the departments of Government, both at home and abroad, in order that these may be placed upon a footing of the strictest economy consistent with efficiency; and in order that it may be determined by the light now afforded by nearly a century of experience, whether a country so acquired and so ruled as India has been by the East India Company, is a real element of national greatness and strength.

That as the Government of India has assumed and exercises the rights of a landlord over all the soil of India, the obvious remedy for the financial embarrassment of that country is the employment of adequate sums for the development of its great productive resources, which are now either lying dormant or are altogether crushed; that money raised by loan at low rates of interest, expended upon works of irrigation, in the formation of railroads, of common roads, and of bridges, and on the indispensable requirements of the rivers and harbours, almost wholly neglected, lying along a coast line of the length of 7,500 miles, a line equal to one diameter and one quarter of the globe, would, in the conviction of your Petitioners, at once lighten the taxation of the people, stimulate their industry, raise their condition, greatly augment the general commerce of the country, and consequently increase vastly the public revenues.

That there would be no difficulty in raising such loans in England to any prudent extent, if the Directors of the East India Company had publicly made known the small comparative cost at which the few public works they have attempted in India have been executed; if they had shewed the great and yearly increasing profitable returns which those works are everywhere yielding upon the capital expended; if all works to be executed, and their returns, were offered to capitalists as the security for the loans to be raised, and if the faith of the British Government were pledged to the money so raised being scrupulously expended upon their execution.

That your Petitioners beg to refer your Right honourable House to the evidence given in 1851 before the Committee upon official salaries for proof, that while the law professes to place the Government of India in the East India Company, it really lodges that authority in the Minister of the Crown, who exercises it without direct Parliamentary responsibility, and under the name of the Directors of that Company; and that whenever the Secret Department is brought into operation, that body, in which the law professes to place the Government of India, is entirely set aside.

That

That such a system is in principle unconstitutional, open to flagrant abuse, and inconvenient in practice, while it causes an enormous waste of public money and time.

Your Petitioners further desire to bring to the notice of your Right honourable House, that from the first formation of the Board of Control in 1784 up to the present time, the instances in which the members of that Board have been actually resident in India are rare; that at this moment there is not an individual belonging to it who has ever visited India; that the Board, therefore, in which the Legislature has vested plenary powers for the government of India is usually wholly ignorant of the character, the feelings, and the wants of the people of India.

That by Section 87th, 3 & 4 Will. 4 c. 85, it was enacted, that no native of India should be disqualified from holding office in India by reason of birth, caste or colour.

That the avowed intention of the Legislature in passing this enactment, was that the natives should be allowed to participate in offices which, up to that time, had been exclusively held by the covenanted servants of the Company.

That, in the opinion of your Petitioners, this enactment has been rendered inoperative by that part of the present system which places the patronage of India in the hands of the executive body of the East India Company; namely, the 24 Directors.

That it is the interest of this body to keep establishments in India at a maximum; their duty to reduce establishments to a minimum; it is their duty to give effect to the enactment above referred to; their interest to make it, as it has been made, a dead letter, because in proportion as natives are admitted to office in India is the initiatory patronage of the executive body diminished.

That to the same cause must be ascribed, in the opinion of your Petitioners, the entire failure of what was considered a most important feature in the plan that was ratified by Parliament in 1833; viz., the allotment of important powers and functions in the administration of Indian affairs to the Court of Proprietors of India stock; the immense patronage at the command of the Executive, enabling the latter, at all times, to command a majority in that Court upon any question.

Your Petitioners, therefore, earnestly solicit that those who may be hereafter entrusted with the Government of India, shall be adequately paid in money, and the patronage of India transferred to other hands.

That your Petitioners beg to remind your Right honourable House that Parliament has twice declared it to be "repugnant to the wish, the honour, and the policy of this country to pursue schemes of conquest and extension of territory in India;" that the Government of India has nevertheless recently expressed its determination to avail itself of every opportunity that may occur of extending that territory, by making forfeitures and escheats of native states; that your Petitioners, therefore, solicit that the law on this subject and the practice may be made to harmonize.

That, as stated by one of the directors of the East India Company in the Court of Proprietors, "Our incessant encroachments and sequestrations of native territories make every native sovereign fear that he will be the next victim, while our constant territorial appropriations and resumptions of rent-free lands, lead the people at large to fear that we are only anxious to make a government of officials on the one hand, and a nation of serfs on the other." That your Petitioners are prepared with evidence to prove that this system of encroachment upon sacred rights has tended to alienate the affections of the people of India from British rule.

That your Petitioners, therefore, request that a competent tribunal may be created in India for determining upon the pretensions of all persons who may claim to be heirs according to the law of India to any native state, principality, jagheer or estate, before the British Government deals with any such as an escheat or declares it to be forfeited and annexed to the British territories.

That a Commission was appointed in 1833 to frame and compile, as was stated, a code of laws for the people of India; that though a very heavy expense has been ever since annually incurred in maintaining that Commission, no such code has been framed. Your Petitioners, therefore, request your Honourable House to institute inquiries into the cause of this failure, and into the cost of this legislative experiment to the people of India.

That when, by the Act of 3 & 4 passed in the reign of the late King, the Supreme Government of India, seated in Calcutta, was invested with a strict control over the subordinate Presidencies, it was the intention of the Legislature that such Government should be partly composed of persons in the service of those Presidencies. That during the currency of the existing Charter, only one individual from the Presidency of Madras has been appointed to the Supreme Council, and not one from Bombay. That as the affairs of those Presidencies are neglected and damaged by the absence from the Supreme Council of persons acquainted with them, your Petitioners pray that inquiry may be made into the cause of this omission, and the manner in which it has affected the welfare of the subordinate presidencies.

Your Petitioners, therefore, humbly pray that your Right honourable House will refer the matter of this petition, and the facts and statements therein set forth, for the investigation and report of the Committee of your Right honourable House appointed to review the conduct and affairs of the East India Company.

And your Petitioners will ever pray.

(signed) JOSEPH HUME.

[And 9 others].

Appendix D.

PETITION, praying for Redress of certain Grievances in connexion with the Expiration of the East India Company's Charter, of the Madras Native Association, and others, Native Inhabitants of the Presidency of Madras.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the Madras Native Association, and others, Native Inhabitants of the Madras Presidency,

Showeth,

Madras Native Association.

1. That your Petitioners, availing themselves of the Parliamentary investigation into the condition and government of British India, under the charter of the East India Company, now near the term of its expiration, desire respectfully to place before your Right honourable House some few of the many grievances and wants belonging more immediately to the inhabitants of the Madras Presidency; claiming at the same time the indulgence of your Right honourable House, should their statements be found less explicit than diffuse, from the impossibility of obtaining access to official documents, capable of substantiating so fully as your Petitioners could wish the various complaints they have the honour to present: the local government having declined replying to a written application from the Association (dated 15th April 1852) for permission to have copies of necessary papers, and the officers of Government being prohibited from furnishing them.

2. That the grievances of your Petitioners arise principally from the excessive taxation, and the vexations which accompany its collection; and the insufficiency, delay and expense of the Company's courts of law; and their chief wants are, the construction of roads, bridges and works for the supply of irrigation; and a better provision for the education of the people. They also desire a reduction of the public expenditure, and a form of local government more generally conducive to the happiness of the subject and the prosperity of the country; and to these main points your Petitioners beg the consideration of your Right honourable House, respectfully applying in behalf of themselves and their countrymen for those remedies and reforms which, in the wisdom of your Right honourable House, may be deemed expedient and practicable. With this brief explanation, your Petitioners proceed to detail:

Revenue.

3. That, the Hindus being for the most part an agricultural people, the chief revenue of the state is derivable from its crops, which have been taxed or assessed under different modes by the Hindu, Mahomedan and English Governments respectively. With the Hindus, the revenue was collected from each village, through the medium of persons making over to the officers of government its division of the produce in kind, amounting from one-sixth in time of peace, and to one-fourth in times of war or state emergency, as laid down in the Institutes of Manu, translated by Sir William Jones, chapter vii. verse 127,—"Let the king oblige traders to pay taxes on their saleable commodities,—of grain an eighth part, a sixth, or a twelfth, according to the difference of the soil, and the labour necessary to cultivate it:" and in chap. 10. v. 118,—"A military king who takes even a fourth part of the crops of his realm at a time of urgent necessity, as of war or invasion, and protects his people to the utmost of his power, commits no sin:" and v. 120,—"The tax on the mercantile class, which in times of prosperity must only be a twelfth part of their crops, may be an eighth of their crops in a time of distress, or a sixth, which is a medium, or even a fourth, in great public adversity."

4. That this proportion continued to be exacted till the invasion of the Mahomedans, as is apparent from Ferishta, translated by Briggs, where it is found, page 453, vol iv.—"One of the earliest acts of the first King Cashmere in the year A.D. 1326 was to confirm for ever the ancient land-tax, which amounted to 17 per cent., or about one-sixth of the whole produce of the land;" and in the Ayeen Akbery, vol. i. part ii. p. 245, it is stated,—"In former times the monarchs or Rajahs of Hindosthan only exacted one-sixth of the produce from the cultivator." But in the early part of Mahomedan rule, according to Ferishta, the King of Delhi raised the tax to one-half the produce; that of the wet cultivation being delivered in kind, and of the dry, generally in money, at a fixed commutation; and the zamindary system having been then introduced, the payments were made to the zamindars, who were either farmers of the assessment, or persons to whom districts had been granted by the ruling power, in return for past, or the expectation of future services.

5. That when the British Government first assumed territorial property and rights in this part of India in 1759, they found the Northern Circars divided into zamindaries, pallams and ain-lands. In the last-mentioned the ryots paid government dues to the servants of the state, or to renters, who farmed the revenue: in the two former, the dues were paid to the

zamindars

zamindars and poligars, who held their property hereditarily and disposably, so long as they paid the peishcush or tribute, in consideration of which, the management of the lands had been made over to them; and this practice was permitted to continue unaltered till the yea 1769, when three boards, or councils, were established, who managed the revenues, and ruled the country till the year 1789, when a fixed settlement was made with the zamindars, whose revenues were estimated, and they were made to pay one-third of their rental to the Government; and the lands hitherto managed by stipendiary officers, or farmers, being placed under the control of collectors, were parcelled out into divisions, called moottahs, and their tenures sold by public auction. The same plan was acted upon in the new acquisitions of the honourable Company, till the year 1799, when the permanent settlement of Lord Cornwallis was ordered to be introduced, although in the interim, on the occupation of Baramahal and Dindigul in 1793, Colonel Read had been making out a new plan, which, on the failure of that of Lord Cornwallis, after a trial of three years, 1803-4-5, eventuated in the ryotwar system, which, with very slight modification, is now prevalen in seventeen out of the twenty collectorates forming the Madras Presidency, under which the entire assessment is collected in money, and from each individual cultivator, directly by the deputed servants of the State.

6. That your Petitioners, as Hindus, and naturally attached to their national and ancestral customs, have had, and continue to have, the greatest repugnance to the innovations of both the zamindary and ryotwar systems; the more so, as they are both the instruments of injustice and oppression, but especially the ryotwar, the operation of which has reduced the agricultural classes to the deepest poverty and destitution. Ryotwar.

7. That this system was introduced for the double purpose of preventing the accumulation of landed property by the natives,—the zamindarships being hereditary,—regarding which, when recommending the ryotwar system, Sir Thomas Munro records in his Minute of the 15th August 1807, the following observation: "That the great zamindar defies all authority, and will keep the ryots as poor as they have always been, and the small one, or mootahdar, will endeavour to imitate him in his state and armed followers; that though most of the mootahs will finally resolve into ryotwar farms, many of the greater ones will assume the character of zamindaries or poligarships; that the country will be filled with petty armed chiefs, who may hereafter combine to disturb the public tranquillity; and that the system is, on the whole, detrimental to the country, and dangerous to Government." And the desire of rendering each individual cultivator immediately dependent on the authority of the State, while it was imagined that it would altogether exempt him from the vexatious intermeddling of the subordinate servants of the Government; consequently it involved the parcelling out of the whole country into innumerable small portions, varying from one to ten or more acres, or whatever standard of land-measure might happen to be that common in the district. This could not be effected without a complete measurement of each province into which the system had to be successively introduced, and of course the separate valuation of every minute portion, in order to fix the precise rate of its individual assessment.

8. That this most intricate and at the same time gigantic plan was commenced without the aid of a single surveying instrument, except a chain of 33 feet, or a glimpse of scientific knowledge beyond that of the native cutchery gomastahs or clerks, who, as a part of their duty, were to instruct others in the art of mensuration, an art in which, being completely untaught themselves, they had to acquire from no better education than the progress of their own survey. These clerk surveyors were paid *Rs.* 21 per month, and "were encouraged to be expeditious by the hope of gain, and deterred from being inaccurate by the fear of dismissal;" and when to the utter incompetency of these clerk measurers is added the fact that the fields of a village are often confusedly intermixed, not only among themselves, but with the fields of other villages, as, for instance, in a part of the Sheally Talook of the Tanjore collectorate, where, within the space of two-and-a-half square miles, there are parts of seventeen villages, and even these parts of villages are each not a single connected piece of land, but the combination of several detached fragments, while in some places two or more villages are composed of fields belonging to one and another village alternately, and others, where four-fifths of a single field belong to one village, and one-fifth to another, it will be manifest that anything like a correct survey, or even an approximation to it, must have been an absolute impossibility, and it is a well-known and positive fact that there is not, and never has been, any establishment whatever for land surveying, neither has a correct survey been made of any individual portion of the Madras territories up to this day.

9. That one of the immediate consequences of this gomastah measurement was a vast increase in the quantity of land over the ancient measurement by the curnums of villages, the persons who are stated by Sir T. V. Stonhouse, a revenue officer of acknowledged ability, in his "Observations on the Ryotwar of the Madras Presidency," "to have certainly the best knowledge of land measuring of any other class of persons in India." This increase in some districts was so great as 75 per cent., and, as it was impracticable to augment the revenue in the same proportion, the new measurement in these particular cases had to be adjusted by the old, a convincing proof that the attempt was a helpless failure.

10. That in proceeding from the survey to the classification of the land, the task was scarcely less formidable, and it was begun by sending two assessors to classify the space measured

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measured by ten surveyors; their business was to arrange it under the principal divisions of wet, dry and garden land, subdividing these again into various classes, according to the presumed quality, by a process so perfectly arbitrary, that in some districts the wet land had 12 classes, the dry 20, and the garden land as many; in others the wet had 4 classes, the dry 12, and the garden 4, while it was of continued occurrence that two fields adjoining each other would be entered in different classes, and even single fields were placed in the same improbable, if not impossible category. As might have been expected, these assessors, partly from ignorance, and partly from the persuasion of bribery, made a great many erroneous classifications, and accordingly it was thought advisable, for the sake of producing uniformity and checking abuses, to appoint five head assessors, selected from the body of subordinate ones; but even these could not be trusted for judgment and impartiality, and the whole of their revisions had to undergo a complete examination at the collector's cutchery.

11. That the classification having been thus settled, not by the returns of the assessors, but by the arbitrary opinion of the cutchery, the next step was to fix such a sum as it was thought would be the fair assessment for the district in its then present state, that furnished by the assessors being mistrusted equally with their classification, which operation immediately reduced the assessors' estimate from 5 to 15 per cent. on the aggregate; and the next step was to distribute the sum fixed as the aggregate of the district among the different villages it contained, thus causing a second alteration in the assessors' estimates, and by which, what was deducted from one set of villages, was added to another; after this a third alteration had to be made at the end of the year, causing a further reduction on fields asserted by the cultivators to have been over-assessed, and it usually amounted from 1 to 1½ per cent.

12. That, having thus briefly alluded to the utter futility of the measurement, and the fallacious classification of the land, your Petitioners would next call the attention of your Right honourable House to the amount of the assessment and its commutation into money. The amount exacted under the Hindu Princes never exceeded one quarter, or 25 per cent. on the gross produce; this the Mahomedans doubled, acting on the principle that the rights of a conquered country cease and determine by the act of conquest, the proprietary right of the land being transferred to the conquerors, and that, as it is lawful to take the whole of the persons and property of infidels, and to distribute them among the Musselmans, it follows that taking only half their incomes was an act of mercy.

13. That this amount of revenue, fixed by the principles of the Koran, has continued to be exacted by the East India Company, but your Petitioners apprehend without the same appearance of justice; for, to say nothing of the difference of creed, the way in which the Company obtained possession of the country is strikingly dissimilar. The Mahomedans conquered by and for themselves, but from the earliest date of the Company's acquisitions on the coast of Coromandel they have always had the assistance of the natives of the country; first as armed peons, and subsequently as trained soldiers, who have stood by them in all their battles, whether against other European powers, or the Mahomedan dynasties from whom the conquest was achieved, and who now form seven-eighths of the military force by which the British territories are defended; consequently the people claim to be regarded by the English as friendly allies, rather than infidels and vanquished enemies; and, as the Company profess to govern for the benefit of the country, as well as for their own, something more ought to be left to the cultivator than the miserable pittance required for the support of himself and family, and for seed; and yet even so much as this pittance is not left him under the operation of the ryotwar system.

14. That, adopting the amount of one-half as the revenue due to the State, the authorities of the day commuted this share into money, in what way your Petitioners cannot say, as Colonel Munro, the principal agent and authority, has not explained it in any of his reports, nor has he imparted any information as to the data and principles on which he formed his tables of rates for the different classes of lands, and even up to this date there is no fixed system of commutation; but different modes are practised, not only in different districts, but even in the various sub-divisions of each district. The immediate consequence of this commutation was a gradual and general fall in the price of all grains, which for a long series of years past has been so low as to reduce all but the most substantial ryots to a state of almost beggary; thus, for instance, as in the southern division of Arcot, where the price at the date of its survey was five cullums per pagoda, on a piece of land producing 100 cullums, the half share of 50 cullums being converted into money, paid the Government the sum of 10 pagodas; but as the present price is seven cullums per pagoda, the ryot must dispose of 70 in order to meet the assessment, retaining for his share only 30, which gives him 42-7ths pagodas in the place of 10, while the Government receives 10 pagodas as the half share of 142-7ths pagodas, the selling price of the 100 cullums; and a similar deterioration in the value of grain has taken place throughout the whole Presidency.

15. That the extent of this evil is shown in a voluminous Minute of the Board of Revenue, dated 5th January 1818, which acknowledges that, "while the ryotwar survey assessment professed to fix an equal and moderate tax in money on each field, in almost every instance it greatly increased the Government demand upon the country. In Dindigul it nearly doubled the public assessment: in Barahmahal it increased it 21 per cent. In the northern

division

division of Arcot the additional imposts and illegal exactions of the renters under the [former] native governments were, by the ryotwar survey, incorporated with the land rent. In Nellore the highest rate of teerva [money payment] fixed on the finest land was alone declared to be the ultimate limit of the Government demand upon all land; and even in the ceded districts, where it was perhaps most moderate, the demand on the land was raised so high as to be in general greatly beyond the resources of the people."

16. That Sir Thomas Munro having returned to Europe in the year 1807, and these evils of the ryotwar exceeding all bounds, the Government of Madras had recourse in the year 1808 to the partial introduction of the village settlement; first, for three, and subsequently for ten years. Under the triennial settlement the lands were rented out to contractors, the average collection being taken into consideration, and the highest proposals accepted; and, this being found but little less objectionable than the ryotwar system, the next resource was the decennial settlement, on the principle of assessing for the said term of years a fixed sum as public revenue, and, in consideration of the payment of that sum, making over for that period the Government right to the public revenue from the entire land of the whole village, both arable and waste, to the village community, by a direct settlement with the whole body of ryots collectively, or with the heads of the village. When the village was not rented in this manner, the public revenue was collected, either by an intermediate renter, or by the officers of Government, and in kind or money, as might be the local custom.

17. That this system was progressing in a manner most favourable to the ryots and the public revenue, when in the year 1818, the Court of Directors having determined upon enforcing the ryotwar, ordered it to be resumed, and prosecuted under a modified form, called the field ryotwar; and when, in the year 1820, Sir Thomas Munro arrived in Madras as Governor of the Presidency, the exorbitant taxation of the old system was sought to be alleviated by a reduction of ths assessment, to the amount of 25 per cent. on dry and wet lands, and 33 per cent. on garden lands, in the ceded districts, where the Board of Revenue esteemed the assessment "most moderate." A reduction of 12½ per cent. was also made in the district of North Arcot, and similar reductions were directed to be made in other districts, conditionally. Remissions are likewise taking place on account of failure of crops from year to year; but these partial changes, forced upon the Government by necessity, have little or no effect on the evils inherent to the system, which press the more heavily on the ryots, because it is almost entirely under the management of the collector's deputy, the tehsildar, who, as his executive officer, possesses all the power of the collector, fiscal, police, judicial, and miscellaneous, and the control not only of his own immediate establishment, but over all the village officers within his district, which contains, on an average, from 100 to 300 villages, with a revenue from 1 lack to 2½ lacks of rupees.

18. That the tehsildar of each talook—such is the denomination given to his division—on the 12th day of July in every year, proceeds (in some places by himself, in others by his subordinates) to fix the quantity of land to be taken up collectively and individually for the year ensuing. By this settlement, called the dittum, or fixation, each ryot ought, by the 4th section of "Standard Manual of Rules," dated 10th January 1850—"occupants of land are at liberty to enlarge or contract their holdings in both cases (*i. e.* as to increase or decrease) by entire fields"—to have only such land as he chooses to accept; but really, owing to the tehsildar's authority, he is compelled to take such as this officer is pleased to appoint, and it is only by the force of bribes, smaller or larger, according to circumstances, that the ryot is permitted to escape from an oppressive allotment as regards its quality.

19. That at the time of this settlement all the poorer ryots, by far the more numerous of the entire body, stand in need of advances for the purchase of bullocks lost during the past year, as well as for seed, the repair of their own wells and implements, and in order to procure hired assistance from those who have not taken up any dittum; and the cirkar or government generally allows advances of money, called tuccavy, to be made on this account, security bonds being taken from the surety; but as the allowed sum is always far too little to meet the wants of all the applicants, there is necessarily a competition for the tehsildar's favour in its distribution, for which he obtains from the successful candidates a bonus or deduction from their respective advances, averaging 10 per cent. upon the whole tuccavy; and thus the ryotwar system, whilst it professes to raise the ryot from poverty to independence, by inducing him to cultivate on his own account, actually tends to saddle him with an annually augmenting load of debt, and converts him from a poor but free labourer into a beggar and a slave. On the general effects of this system of encouraging cultivation, your Petitioners quote the following remarks from the work of Sir T. V. Stonhouse, before quoted:—

"As regards tuccavy, or advances for cultivation, it was a principle of Sir T. Munro's ryotwar that tuccavy was to be gradually discontinued; and has it been so even in the ceded districts, although a period of nearly 40 years has elapsed since that rule was made? Are not tuccavy advances still made, year after year, to the ryots of Bellary and Cuddapah? The records of the Board of Revenue and of the Government can supply the answer. The tuccavy advances in Bellary are so large as very recently, I believe, to have attracted the notice of Government, and to a call for explanation; and it is only in consequence of the stringent orders from the Court of Directors, four or five years back, that the annual advances for tuccavy, in the several districts, have been considerably reduced. The average

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advances of the last five years have been only *Rs.* 3,52,872,* while that of the preceding five years was *Rs.* 6,73,579,† and in previous years still larger; and the discontinuance of tuccavy, in the course of time, like the rest of the advantages expected from the introduction of the ryotwar system, has proved a mere illusion, and one of the many fanciful theories of the system doomed to end in no practical result."

It often happens, when impoverished ryots absent themselves on the day of dittum, to avoid having again forced upon them the occupancy of lands by which they incurred loss at the previous jummabundy, that these lands are forced by the tehsildar on one or other of the ryots who are present; and when there is a failure of rain for the cultivation of the dry lands, which pay a lighter assessment than the wet, if the ryot should have recourse to the water of the tanks or reservoirs, instead of being charged the fixed water-fee levied on wet lands, he is compelled to pay the full assessment for a wet crop.

20. That the aforesaid water-fee is levied for the declared purpose of repairing the tanks, and keeping up the usual means of irrigation; but, notwithstanding the tax is levied for this purpose, the ryots are compelled to make all the repairs required within a certain amount; and whenever the means of irrigation is impeded, as it always is when in the monsoon rains the water-floods fill up the channels with sand, the ryots are forced, under penalty of heavy fines, to quit their agriculture, in order to clear out the channels, although many miles distant from their habitations, hiring labourers to do their work in their absence, and without receiving any remuneration for their labour; and the overseers of this business being the Government servants, they have thus a perpetual occasion for the exercise of oppression and injustice; for the tehsildar, being invested with magisterial powers, can and does confine, at his own cutcherry, all ryots who resist his demands, and whom he carries in custody along with him from place to place, as he shifts his cutcherry, until he coerces them to obedience.

21. That these are a few of the many grievances endured under the ryotwar, between the settlement of the dittum, on the 12th July, and the fixation of the kist or money amount of the assessment, called jummabundy, which takes place from the month of December to that of March following, when another officer of the collector, called the sheristadar, or head revenue officer, aided by his subordinates, proceeds to examine the dittum, and to declare the amount payable by each individual ryot, according to the previous settlement of the tehsildar, after having deducted the Government remissions, on account of crops that have fallen short, owing to damage from the weather or drought, from an insufficiency of irrigation.

22. That it is an easy thing to make this jummabundy an instrument of the grossest tyranny, the single word of the sheristadar being that which determines whether there shall be any remission, and how much, or none. On the wet lands, or those cultivated by irrigation, no remission is permitted, unless the produce has fallen short of the average to the amount of 10 per cent.; the ryot may then apply for a remission; but, as by the Government regulations the verification of the sheristadar is indispensable, in order to render the application successful in the ear of the collector, the sheristadar has every applicant at his mercy; besides which, during the whole time of this settlement, the collector's establishment has to be supplied with provisions by the ryots gratis.

23. That the only check upon these multitudinous and never-ceasing oppressions, viz. an appeal to the superior officer, is the addition of mockery to misery. The tehsildar will receive no complaint against his inferiors, and when the ryot would approach the collector, his petition will be stopped, if possible, in its way by the jewabnevis, or interpreter; or should the petition reach its destination, it is read to the collector by this officer, who having generally the opportunity of a previous perusal, and taking advantage of the collector's imperfect acquaintance with the vernacular, adroitly omits the most important parts, and foists in qualifying language of his own; but should a hearing be eventually granted, in spite of all obstacles and trickeries (if the ryot can produce no witness, every ryot being more or less afraid to come forward from dread of future injury), his complaint is rejected, as unworthy of credence; and if he produces several witnesses, it shares the same fate, on the plea that he has hatched a conspiracy in support of a falsehood. Should the ryot then carry his appeal to the Board of Revenue, the complaint is transmitted to the collector, who, in reply, gives the wrong to the ryot and the right to the Government servants; and, in virtue of this reply, the ryot is denied further inquiry. Sometimes, indeed, the appeal is carried as far as the Governor in Council, and even, though very seldom, to the Court of Directors; but as the court sees through the eyes of Government, the Government through those

	Co.'s Rs.
* 1839-40	3,82,366
1840-41	3,16,704
1841-42	3,51,555
1842-43	3,53,559
1843-44	3,60,178
Average	3,52,872

	Co.'s Rs.
† 1834-35	7,10,909
1835-36	6,67,930
1836-37	6,01,761
1837-38	6,42,624
1838-39	5,44,674
Average	6,73,579

those of the Board of Revenue, the Revenue Board through those of the collector, and the collector through those of his sheristadars and tehsildars, the ryot is in every case handed over to his original tyrants and tormentors, to whom he must make pecuniary amends for his fruitless attempt to obtain redress, or stand the consequences at the next arrangement of the dittum and jummabundy, by the very Government officers from whose vexatious exactions it was pretended to set him free, by the introduction of the ryotwar system.

24. That the jummabundy having thus finally determined by the end of March the amount payable by each ryot, he is bound to liquidate it prior to the ensuing month of July, the period for the settlement of the next dittum; and as the three intervening months are precisely those in which the price of grain is at the lowest, in consequence of the recent harvest, he has to undergo a third series of losses and misfortunes, from the circumstance of his being compelled within that time to turn so much of his crop into ready money as will suffice to realize the sum specified for the Government kist.

25. That although this space of three months is nominally allowed for the realization of the kist, still the tehsildar, with whom the collection rests, is very anxious to obtain the instalments as early as possible, in order that he may at once preserve the good opinion of the collector, and avoid the fine to which he is liable, should not the whole or the greater part be liquidated before the period of limitation has expired; and accordingly he is constantly urging the ryot to dispose of his crop, which he has been permitted to reap, on giving security to the village officer that the money shall be paid, and liquidate, if not the whole, at least a part of the amount; this urging comprehending the sending for the ryot, and confining him in the cutcherry, until he shall have undertaken, in presence of witnesses, to pay a stipulated instalment on a certain day; by which the ryot, in addition to the loss he sustains by being detained from his labour, perhaps a week or 10 days at a time, is forced to part with so much of his crop, whether cut or standing, for any price which the nearest grain merchant, taking advantage of his pressing necessity, chooses to offer; and this process of urging on the part of the tehsildar, and of sacrificing his property on the part of the ryot, continues till, perhaps—for the occurrence is not unfrequent—the disposal of the entire crop failing to raise the money-payment of the amount due to the State, the poor ryot has to sell his bullocks, his farming utensils, and the little rest of his property in order to make up the deficiency.

26. That, in order to possess your Right honourable House with some idea of the cruelties under which the ryotwar system can be, and actually is, exercised by the Government servants, your Petitioners will quote an instance occurring in the year 1851, when certain ryots in the zillah or collectorate of Guntoor, unable to obtain redress from the collector, the commissioner, and the Board of Revenue, presented a petition to the Governor in Council, to the following effect:—That at the dittum settlement of the previous year, on their refusal to accept the dittum offered to them by the tehsildars of six different talooks, because it included lands that had been relinquished, and others which were not liable to assessment, and because the lands bearing assessment were then re-measured with new ropes, shorter by one cubit than the legal measure, some of them were compelled, by imprisonment and corporal punishment of various kinds, to put their names to the dittums; and when others ran away from their talooks, to avoid the like treatment, the curnums of the villages forged the names of those who had absconded to the dittums that were assigned to them; they who remained complained to the collector, who said the dittums should not be altered, and refused redress; and when the jummabundy came round, on their refusal to pay the excess of the assessment, the houses of the ryots were stripped of their roofs; their ploughs, ploughing cattle, grain seed, and forage for their grazing cattle, were seized by attachment, and sold by auction; some ryots were arrested as security for the balance still unpaid from the proceeds of the auction; the houses of others were broken into and plundered by the peons, who were paid batta from the proceeds of the sales; their herd cattle were not permitted to graze, and their families prohibited taking water from the tanks and wells for domestic purposes. Their petition to the Governor in Council was transmitted to the collector in the usual way, when that officer applied for two years' leave of absence; and there the matter rests to this day; and, although your Petitioners confine themselves to a single and recent example, they do not scruple to assert that, in a greater or less degree, these practices are prevalent throughout every division of the Presidency.

27. That while such are the evils of the ryotwar, as respects the state and condition of the people, it entails no small share of evil upon the Government, from the large establishment which has to be entertained for the collection of the revenue; on which point your Petitioners beg to solicit the notice of your Right honourable House to the description given by Sir T. V. Stonhouse, in the work to which they have already referred:

"The cause of the heavy charges of management under the ryotwar system is its endless and varied details, requiring a multiplicity of revenue officers in the talooks to keep the accounts, and so on, through every gradation of office, from the tahsildar to the Board of Revenue. I do not hesitate to say that at the very lowest, one-third of the public expenditure now incurred in maintaining the ryotwar system would be saved under a village lease or aumany settlement, and more especially the establishment of a native board of revenue would be saved. I do not mean to affirm that this establishment is necessary even for ryotwar management, for I do not believe it to be so, and the Board of Revenue conducted its duties as efficiently before its creation. With practical revenue officers as members of the Board of Revenue, it cannot be required, and its expense is not confined to itself, as

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the sheristadar cannot be supposed to know the language of all district servants who are entertained in the several collectorates, to render the accounts into Mahratta, that they may be intelligible to the Board's sheristadar, his deputy and establishment. The formation of this unhealthy excrescence on the charges collection of this Presidency by Sir T. Munro, would have looked better had not his old and favourite ceded district servants been selected by him to fill the principal offices created by it. The charges collection of this Presidency have increased on an average from 12 to 15 lakhs of rupees per annum since the introduction of the ryotwar system, and the difference would have been still larger but for the abolition of the principal collectorships, and other reductions made in late years in the salaries of collectors, and of their establishments, the effect of which has been to leave the latter inefficient, and insufficient to carry on satisfactorily a system of revenue management so complicated and detailed as that of the ryotwar."

"During the decennial rents, or from 1809–10 to 1819–20, the charges collection for the year amounted on an average, in round numbers, to *Rs.* 25,76,000. The charges for each year are exhibited in the margin.* The charges collection since that period, or from 1820–21 to 1843–44, a period of 24 years, have averaged 38,49,000, exhibiting an average excess of annual charge, compared with the former period, of *Rs.* 12,73,000; but the average, of a similar period of 11 years, or from 1830–34 to 1843–44, is 40,74,000, and gives an excess annual charge of *Rs.* 14,98,000, or nearly 15 lakhs of rupees—the charges collection in each year exhibited in the margin."†

"If there are advantages, therefore, in the ryotwar system, the Government pays dearly for them. It might be fitting a great and enlightened Government to make such sacrifices for real and admitted benefits; but, so far from being admitted, they have from first to last been questioned, the system denounced as vicious by many of the ablest revenue officers of the Government, and their existence in no way substantiated even by the advocates of ryotwar, or by practical results."

"It is not on the score merely of an expensive establishment that the ryotwar system proves so heavy a drag on the finances of the Government. There is a further expense inherent in it, from which other systems are comparatively free, viz., charges for the repairs of tanks and other sources of irrigation. This is a heavy annual drain upon the revenue of the country, and much of it, owing to the defectiveness of local check and supervision, unprofitably spent, or rather not spent at all, but which finds its way into the pockets of the public servants. Even so far back as 1828, the Court of Directors noticed the heavy charge it occasioned on the finances of the country, and observed that, although they were far from entertaining a wish that anything necessary for so desirable an object as the irrigation of the country should be withheld, it was of high importance that these charges should be under the strictest control, and be distinctly brought to their notice at the periods of their necessary occurrence. The amount expended on this account, from 1805–6 to 1843–44, has been upwards of 243 lakhs of rupees, and the average expenditure of the last five years has been upwards of six lakhs.‡

"Under a zemindary settlement the Government is relieved from this heavy annual expense; and under a village settlement is relieved of a great portion of it; for, under a village rent, fixed on the low scale adopted for a ryotwar settlement, there would be no necessity for the Government to undertake, or be responsible for, repairs beyond those of masonry works. All earthwork to bunds of tanks, and the clearing of channels, should devolve upon the villagers, who would do it much more effectually in their own way, and at not a third of the amount disbursed by Government on such works. Such a measure would only be a return to the usage of the country. Another disadvantage of this system, of throwing the whole expense of tank, &c., repairs on the Government is, that it forces cultivation, and militates against that principle of the ryotwar system which leaves the cultivator at liberty to cultivate as much or as little as he pleases. This is a fundamental rule of the ryotwar system. 'It must be clearly understood,' say the Board, 'that the revenue is to continue as at present, subordinate to justice; that freedom of labour to the ryots is, by the Court of Directors themselves, declared to be the basis of the new settlement, and that, therefore, no restraint whatever inconsistent with it can be imposed upon them.' The same principle was also clearly prescribed by Sir T. Munro himself during his government. 'The ryots should be allowed to cultivate as much or as little as they please; they will always occupy as much land as they can cultivate profitably, and it is not the interest of Government that they should cultivate more.'

Minute, 5th January 1818.

From Government, 8th September 1820, to Board of Revenue.

"Every revenue officer knows that if this rule were observed, the Government would scarcely receive half of the revenue it now does. If ryots were allowed to cultivate as much or as little as they please, or, to use the language of Government, those lands only which they could

		Co.'s Rs.			Co.'s Rs.			Co.'s Rs.
* 1809-10	-	24,18,074	† 1833-34	-	37,70,351	‡ 1839-40	-	6,52,877
1810-11	-	23,76,847	1834-35	-	39,30,127	1840-41	-	7,11,163
1811-12	-	24,11,354	1835-36	-	40,33,118	1841-42	-	6,10,184
1812-13	-	26,63,864	1836-37	-	40,32,928	1842-43	-	5,32,819
1813-14	-	23,98,741	1837-38	-	41,31,461	1843-44	-	5,10,558
1814-15	-	24,34,426	1838-39	-	41,37,519			
1815-16	-	24,41,683	1839-40	-	41,64,394	Average	-	6,03,520
1816-17	-	26,46,143	1840-41	-	41,43,481			
1817-18	-	27,40,360	1841-42	-	40,92,919			
1818-19	-	29,21,152	1842-43	-	41,37,218			
1819-20	-	28,88,462	1843-44	-	42,45,247			

could cultivate profitably, a very large portion of the land now under the plough would be thrown up. In practice it is altogether different; and, whatever impressions may be entertained by the Board of Revenue, the Government, or the home authorities, the truth is, that cultivation is forced all over the country. The tahsildars, in spite of rules and regulations, will not allow of the relinquishment of lands, for this reason, that as tahsildar, it is his endeavour, for his own credit and character, to bolster up the revenue of his talook. I say, that cultivation is forced all over the country, and it is right that it should be so to a certain extent, with reference to lands dependent on sources of irrigation, for the preservation of which the Government incurs an annual heavy expense. It was a principle laid down by Sir T. Munro himself, and how he reconciled it in his own mind with his principle of an entire freedom of occupancy, and with the privilege he accorded to the ryot of cultivating as much or as little as he pleased, I am unable to discover. In his Minute of the 31st December 1824, Sir T. Munro declares, that 'Government, by the construction of tanks and watercourses, supplies the water, which is the chief article of expense in wet cultivation, and has a right to see that the lands on account of which it has incurred so heavy a charge, are not, without necessity, left uncultivated or exempted from their share of the public burthens.'".

28. That at the same time the system can boast no superior excellence as affecting the improvement of the revenue, as is apparent from the annexed quotation, taken from the same work:

"The marginal statement* exhibits the land revenue of Madras from 1820, from which time the ryotwar has been generally the mode of settlement up to 1844. The average of the first six years is, *Rs.* 331,98,788; of the next six years, *Rs.* 311,53,725; of the next six years, *Rs.* 304,24,093; and of the last six years, *Rs.* 330,51,584. During the second six years the average fell below the preceding six about 20 lakhs of rupees; during the next six it experienced a further fall of about seven lakhs, and though the average revenue of the last six shows an increase of about 26 lakhs over the preceding six years, it is still below the average of the first six years. During the last six years there has been a succession of most favourable seasons and abundant produce, and hence the exceeding low price of grain which has been so much felt all over the country for the last four or five years. These results, however, go to prove conclusively that the ryotwar system is not calculated to improve the revenue. The land revenue of Bellary and Cuddapah since 1820, is exhibited in the margin, and it will be seen if there has been much improvement even there."

"Sir T. Munro has stated, that under a ryotwar settlement, the annual fluctuations in the amount of revenue will never be so great as to cause any serious inconvenience. It would never in any one year exceed 10 per cent. in an aggregate of six or eight collectorates, though it might be more in a single one. It would gradually diminish as the ryots became proprietors, and would in 10 or 12 years scarcely ever be above 5 per cent." Report, 15th August 1807.

"Now, a glance at the marginal statement will demonstrate whether Sir T. Munro's expectations can in any degree be considered to have been realised, even with his low assessment of the government tax, being only, as in the zamindary settlement, one-third of the gross produce. In Bellary we find the revenue in 1827 falling nearly four lakhs of rupees below the preceding year; in 1833 we find it falling three lakhs below that of the preceding year; and even as recently as 1838, falling nearly 4½ lakhs of rupees below the revenue of the preceding year, or from 20 to 25 per cent. In Cuddapah we find it in 1832 falling five lakhs, or to *Rs.* 13¾ lakhs, from 18,80,000 which it had been in the previous year. The total revenue of Bellary, for the first 12 years of the period embraced in the marginal statement given

Years.	Company's Rupees.	Years.	Bellary.	Cuddapah.
*1820	328,63,353	1820	22,78,817	23,62,350
1821	325,88,266	1821	24,16,166	21,33,612
1822	339,78,987	1822	23,81,179	22,13,651
1823	311,14,471	1823	19,68,642	17,43,159
1824	351,35,829	1824	21,73,923	19,28,795
1825	335,11,824	1825	22,74,787	19,62,645
1826	324,69,795	1826	22,52,552	20,25,103
1827	338,12,258	1827	18,90,391	17,99,46[illegible]
1828	319,02,757	1828	21,93,984	18,48,984
1829	309,32,388	1829	19,31,665	18,42,840
1830	308,66,127	1830	20,15,352	19,30,602
1831	299,39,024	1831	20,05,976	18,80,170
1832.	266,06,577	1832	16,97,926	13,51,213
1833	312,92,925	1833	20,93,708	18,59,458
1834	314,60,450	1834	20,41,783	19,14,051
1835	311,53,567	1835	21,21,246	18,98,381
1836	295,59,089	1836	20,87,127	18,61,483
1837	324,72,653	1837	22,45,300	20,76,367
1838	315,67,386	1838	17,92,189	17,27,566
1839	335,66,699	1839	22,54,346	21,23,602
1840	326,00,170	1840	21,88,897	20,22,382
1841	323,03,013	1841	23,25,823	21,10,208
1842	329,75,129	1842	23,10,960	20,73,560
1843	352,97,108	1843	22,70,961	20,50,678

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given above, was, in round numbers, 257,83,000; in the last 12 years, 255,01,000, or a diminution of 2,82,000; so much for improvement and an augmented revenue from the waste lands! In Cuddapah the results have been still more unfavourable. The total land revenue received from that district during the first 12 years of the period indicated was, in round numbers, 236,71,000; in the last 12 years, 230,68,000, or a diminished amount of six lakhs. View the ryotwar in any way we please, either in regard to its principles or to its fiscal results, I can discover nothing to recommend it but the statements of Sir T. Munro; I cannot discover any of those beneficial results which he expected would flow from its adoption, but, on the contrary, much evil, and not the least, the destruction of the village constitutions; but the Court of Directors seem to think that it has been successful in Coimbatore. 'As we entertain a high opinion,' the Court say, in a revenue despatch to the Bombay Government, 'of the ryotwar settlement which has been successfully introduced into the Province of Coimbatore, we desire that you will obtain from the Government of Fort St. George information respecting the nature and principles of that settlement, with the view of introducing similar arrangements in all practicable cases into the provinces under your Presidency.' Even in Coimbatore it would be seen from the marginal statement,* that there has been retrogression, not improvement, in the land revenue. The aggregate revenue for the first 12 years was, *Rs.* 267,96,000; for the last 12 years, *Rs.* 241,81,000, or a diminished amount of revenue in the latter period of 26 lakhs of rupees. The advocates of ryotwar can hardly, therefore, I think, ground their predilections in favour of the system on the score of its tendency to augment and improve the revenue when such have been the results in the most favoured districts; and, as regards fluctuations, I find that even in Coimbatore the revenue fell in one year nearly six lakhs of rupees; namely, from *Rs.* 20,97,000, which it was in 1835, to *Rs.* 15,11,000, the amount of the land revenue of 1836." And again, "Let us look now to the revenue of those districts where there has been little or no ryotwar, Tanjore, for instance, which has been under the wolungoo or village settlement of Mr. Cotton.

23d May 1827.

"In the margin† is exhibited the land revenue collections of this district in each year. The total amount for the first 12 years was *Rs.* 395,43,524, while for the last 12 years it was *Rs.* 413,76,385, or an increased receipt of upwards of 18 lakhs in the latter period. So far, therefore, as improved revenue is a consideration, the comparison, it must be confessed, is in favour of the village settlement.

"It may be said that, although the revenue has not improved under ryotwar, the circumstances of the ryots have. I have always been led to suppose that improvement in the revenue went hand in hand with improvement in the circumstances of the ryots, but here we find increase of substance in the cultivating community coupled with diminished revenue. If the ryots of Bellary and Cuddapah had really improved in their circumstances, how could the great fluctuations which it has been shown have occurred in the annual revenue, take place? Whence the necessity of the large advances of tuccavy, which are now annually made in those districts? These are fair deductions from general principles. There is, however, more positive testimony as to the real state of some of the districts. In Salem, where the ryotwar was first introduced, we find the collector stating in 1833, that the ryots were so poor as to be living from hand to mouth. We find the collector of Trichinopoly, in 1831, stating, that in a district so long under Company's management as Trichinopoly, with a very extensive market in the neighbourhood, it would have been natural to suppose that a large portion of the soil would be under tillage, but that the reverse was the fact, and that of the dry lands in three out of the four dry talooks, not more than one acre in 10 was cultivated. We find even Mr. Sullivan, on quitting Coimbatore, in his report of the 20th January 1830,

*

	Co.'s Rs.		Co.'s Rs.
1820	21,57,920	1832	20,87,804
1821	21,47,050	1833	19,35,357
1822	22,31,743	1834	20,64,073
1823	21,63,482	1835	20,97,729
1824	22,65,357	1836	15,11,803
1825	22,98,895	1837	20,10,742
1826	23,12,456	1838	20,08,480
1827	23,03,096	1839	19,79,928
1828	22,76,129	1840	20,28,629
1829	22,56,841	1841	21,18,769
1830	22,46,761	1842	21,52,753
1831	21,36,592	1843	21,85,672

†

	Co.'s Rs.		Co.'s Rs.
1820	29,22,193	1832	37,21,950
1821	30,26,436	1833	36,43,032
1822	33,09,593	1834	34,39,633
1823	38,80,406	1835	32,54,176
1824	49,27,489	1836	33,81,321
1825	33,67,668	1837	35,10,303
1826	27,64,922	1838	35,88,768
1827	23,48,588	1839	35,66,447
1828	33,42,204	1840	33,74,098
1829	32,15,294	1841	28,94,782
1830	32,40,773	1842	35,36,942
1831	31,97,958	1843	34,94,934

1830, stating, that at the time of the survey, a tract of country which yielded an annual revenue of nearly a lakh of rupees, was then (when he wrote) in the possession of elephants.

" The only province which may, perhaps, be taken as the most successful application of the ryotwar settlement, and of field assessments, is Travancore. The land-tax is there fixed, and is based upon a revenue survey; but a fresh survey is made every 10 or 12 years, in which alterations are inserted according to the lands brought into cultivation, or those thrown up. The periodical surveys are stated to have been the established habit of the native government. The original survey comprehended the whole country, waste and cultivated. The occasional surveys included the cultivated lands only. Every field, with its rent, was inserted in the survey, with its proprietor, and it was entirely a ryotwar settlement. The mode of determining the field assessment seems to have been, to fix it at certain ratios of produce to the quantity of seeds sowable, which were determined by the quality of the soil.

" The partial success, however, of the ryotwar system in Travancore may be accounted for; it has existed from ancient times, and is the established usage of the province; the land assessment is extremely low; the district has many valuable productions, as pepper, betel, cardamums and teak wood, and I believe the real cause of its success is the revision of the survey, which takes place every 10 or 12 years, in direct opposition to Sir T. Munro's principle of declaring the survey assessment permanent. But even in Travancore it did not afford that protection to the ryot which is stated to be one of its chief advantages."

On which your Petitioners beg to remark, that Travancore is not a collectorate under the Company, but a tributary state, having a maharajah, and its own government, to which an English Resident is attached.

Zamindary.

29. That having thus explained the operations of the ryotwar, your Petitioners proceed to the zamindary system, which still obtains to a great extent in the three districts of Ganjam, Vizagapatam, and Masulipatam, and in some few parts of the 17 ryotwar collectorates, where it places the cultivators in a condition not materially better than the ryotwar. A few of these zamindaries existed prior to the occupation of the districts by the British; but the larger part are of more recent creation, in which their possessors occupy the position of farmers of the revenue; of which they are to pay a sum nominally estimated at 35 per cent. to the Government, take 15 per cent. as their own share, and leave the remaining 50 per cent. to the cultivator; the estimated 35 per cent. is, however, fixed at a certain permanent sum, the amount of which can never be varied by either the Government or the zamindar; it must be paid in money, without remission of any kind, to the zamindar for bad seasons, and without any demand upon him for an increase in the cultivation; the cultivators, on the other hand, are to pay the zamindar in kind, and he is to grant them the same remissions which are granted to the ryots of the Government.

30. That the half share of produce due to the zamindar is subject to no charges for cultivation, the whole of which fall upon the cultivator, who has likewise to pay durbary and other expenses, best explained by the following statement, adapted to the collectorate of Masulipatam, and extracted from a Report by Mr. Russell, the collector of the district, dated the 20th March 1819, and to be found in the Appendix to the Report from the Select Committee, in the year 1832:

" A ryot who has two ploughs will cultivate one cutty of mettah, or dry land; and that extent of ordinary soil in a favourable year will produce 4 p. 10 t. of jonnaloo, and other grains and pulse.

				M. Rs. a. p.
" Value of 4 p. 10 t. at 22 Madras rupees per pooty, which is a high computation, since it is reckoning the whole produce at the same rate as jonnaloo*				99 – –
Deduct Circar share				49 8 –
" Deduct durbary charges on 4 pootties 10 tooms, at 2 Madras rupees per pootty	*M. Rs.*	9	– –	
Ditto Nuzzer cuttoy, &c., at 3 Madras rupees per cent.		1	8 –	
Batta to Mahasooldars, Anchanadars, &c., at 16 per cent.		8	– –	
				18 8 –
Remains to the Ryot				31 – –
" Deduct charges of cultivation:—				
Value of 2½ tooms of seed grain	*M. Rs.*	3	– –	
Subsistence to two slaves for six months, at 1 seer of jonnaloo per diem		10	12 –	
Two cumbalies		1	– –	
Charges incidental to the replacing of cattle, one year with another		6	– –	
Wear and tear of ploughs, &c.		–	8 –	
				21 4 –
Balance in favour of the Ryot	*M. Rs.*			9 12 –

" In

* This is the average price of jonnaloo.

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" In paddy lands two ploughs are not equal to the culture of more than 10½ veesums, and 8 pootties are a good crop for that extent of land in a favourable season.

			M.Rs.	a.	p.
" Crop 8 pootties, value at 20 Madras rupees per pootty			160	–	–
Deduct Circar portion			80	–	–
Ryot's share			80	–	–
Deduct durbary charges, at 1½ rupee per pootty	M. Rs. 12	– –			
Nuzzar cuttoy, &c., at 3 per cent.	2	6 6			
Mahasooldars, &c., charges, at 16 per cent.	12	12 6			
Total deductions			27	3	
Remains to the Ryot			52	12	–
" Deduct charges of cultivation :—					
Four tooms of seed grain, at 20 Madras rupees per pootty, M.Rs.	4	– –			
Subsistence of two slaves for six months, at 2 seers of paddy each per diem, 18 ts. value thereof, at 20 Madras rupees per pootty	18	– –			
Two cambalies	1	– –			
One hundred and twenty-seven planters, at the average rate of 30 men for every toom sown	10	8 –			
Charges incidental to the replacing of buffaloes,* one year with another	8	– –			
Wear and tear of ploughs, &c.	1	– –			
			42	8	–
Remains to the Ryot	M. Rs.		10	5	–

" 34. As the fees which the ryot receives at the threshing-floor are given to his slaves, and constitute their means of support during a part of the year, I have calculated their subsistence for six months only, and for the same reason I have omitted to include those items among the receipts of the ryot.

" 35. The principles by which I have been guided in estimating the charges incidental to cultivation were not dictated by any speculative opinions of my own, but were deduced from a careful examination of original accounts, obtained from various sources, where I have no reason to suspect deceit, because there could be no motive for deceiving me. It may, however, be satisfactory to inquire how far the results regarding the charges for bullocks, &c., may tally with others prepared according to the plan observed in Mr. Colebrook's Husbandry of Bengal. That gentleman calculates interest at two per cent. per mensem on the money laid out in the purchase of cattle and ploughs, and considers that allowance to cover the expense of replacing casualties.

" 36. In the foregoing accounts I have reckoned the ryot to have two ploughs and four oxen in a dry-grain village, or four buffaloes in one where paddy is cultivated.

" METTAH LAND.

" The price of a bullock, at a low computation, must be taken at 12 Madras rupees, and of a plough and other implements of husbandry at 1 Madras rupee 1 anna.

	M.Rs.	a.	p.
" Four bullocks, therefore, must be considered to cost the Ryot	48	–	–
And two ploughs, &c.	2	2	–
The value of his stock then is	M.Rs. 50	2	–

" And the interest on that sum for 12 months, at the rate of two per cent. per mensem, Madras rupees 12, or nearly double my former calculation.

" LOW LAND.

" Eight Madras rupees is the usual price for a ploughing buffalo.

	M.Rs.	a.	p.
" Four, therefore, must be reckoned to cost	32	–	–
And two ploughs, &c.	2	–	–
Total amount of stock	M.Rs. 34	–	–

" Interest on 34 Madras rupees, at two per cent. per month, 8 rupees 3 annas, or 13 annas less than my estimate.

" If it be admitted that those statements are correct, it follows that the mere profits of husbandry must, under this system, be inadequate to the maintenance of the ryot's family.

" 37. We will suppose, for example, that the family consists of five persons, which I take it

* Buffaloes are much shorter-lived animals than bullocks, and in the end more expensive; but they do their work better in this sort of cultivation.

it is the usual average, and that it is composed of the ryot, his wife, two children, and a female relation.

"The daily consumption of grain cannot be estimated at less than four seers. One pootty and a half, therefore, must be allowed for the expenditure of the year; and, as that quantity of jonnaloo even will cost 33 Madras rupees, it is obvious that the mere article of grain alone will amount to more than the surplus which now remains to the ryot. Such is, in fact, the real result of the system. The plough itself affords little towards his support, and were it not that it gives him the valuable right of pasture for his cattle and ground for his pumpkins, he could not subsist. A single she buffalo will yield him eight rupees per annum in ghee alone, and the profit he derives from this source, added to the labours of his women, enable him to procure the necessaries of life; but even these aids will not always afford him the means of subsistence, and for two or three months of the year the fruit from his pumpkin garden, mixed up with buttermilk or a very small proportion of meat, is the daily diet of his family.

"38. Under these circumstances, the indigence we find so prevalent among the agricultural classes, and the distrust which exists between them and the zamindars, cannot be a matter of surprise. Deprived as they are of the fair return of their industry, it cannot be expected that they will omit to avail themselves of any opportunity that may offer to pilfer the grain while it remains on the ground, and hence arises the necessity for the precautions which the landlord is obliged to resort to.

"39. It may perhaps be said that the introduction of village rents would improve the condition of the peasantry, by relieving them from the ruinous expenses attending the present system of espionage; and so, in fact, it would, if the zamindars would found their assessments on a moderate scale, and the distrust which has for ages existed between them and the ryots could be converted into mutual confidence: but as long as the demand of the circar shall remain at its present standard, as long as the 'durbary kurchooloo' shall be considered to be the lawful branch of revenue; as long as the collections actually realised under the several heads which have heretofore been customary shall be looked upon as the proper basis for future assessment; as long, in fact, as the demand of the landlord shall absorb the just profits of the cultivator, so long will it be in vain to expect any confidence between them; so long will the demand of the year depend on the actual harvest, and all engagements continue nominal; and so long will there be a positive necessity for the zamindar to guard against the clandestine removal of his crops.

"40. At present all engagements are nugatory. The rents are so high that it is impossible to realise them, unless the crops prove more than usually favourable. The annual demand of the zamindar, therefore, still fluctuates with the seasons; and as he knows the ryots will do all in their power to deceive him, he is obliged to ascertain their actual resources by means of appraisers, and the settlement is in effect concluded in the same way as if no agreements existed."

31. That without dilating upon the vexations innumerable occurring under the zamindary system, complaints of which are referable to the collector, your Petitioners will merely point out that by it the ryot's nominal share of one-half the produce is actually reduced to one-fifth of the half on dry lands, and to one-eighth on wet or paddy lands; yielding as the annual return for his agricultural labour twenty rupees and one anna, an amount quite insufficient to procure grain for himself and family, putting aside clothing, salt and vegetables, and the expenses of religious ceremonies at births, marriages and deaths; all which he has to procure as best he may from the milk of his herd cows or buffaloes, and the labours of the female members of his family.

32. That although the Minute of the Board of Revenue, to which your Petitioners have referred, states that "the situation of a zamindary ryot is considered by many as superior to most of those placed immediately under collectors and their native officers," it is still more miserable at this time than it was at the date of Mr. Russell's Report; and as the zamindarships are hereditary, and cannot lapse to Government except for failure in the payment of the peishcush, or permanent rent, your Petitioners represent the imperative necessity for definite and effective regulations to restrain the zamindar from the continual practice of oppressive extortions, in taking away the best lands from their original holders, for the purpose of bestowing them on his own relations and favourites, compelling the ryots to cultivate such lands without payment, and obliging the ryots to buy the zamindar's grain at prices far above the market value; as likewise for granting greater facilities to the ryots for preferring their grievances, and for the due and early inquiry into, and settlement of, them by the collectors, instead of their being, as they are now, obliged to enter into an expensive litigation in the civil courts of the Government, notwithstanding the existing regulations that summary justice shall be afforded them by the collector.

33. That as the ryotwar system prevailing in seventeen-twentieths of the whole Presidency is always the substitution for the zamindary when lapses occur by the failure of peishcush, your Petitioners earnestly pray that, as there can be no obstacle either of hereditary right, vested interests, or any other, to prevent its summary and total abolition, the ancient system which obtained in the country prior to its subjugation by the Mahomedans, may be again reverted to; viz. the village system, or the collection of the revenue from the land by means of villages, instead of individuals, without the interference of zamindars or middlemen on one hand, and free from the harassing oppressions of Government servants on the other. This system your Petitioners beg to state has been tried by the Madras Government, in what was called the Triennial and Decennial Settlements, alluded to in the former

Village system.

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former part of this Petition, regarding which the Minute of the Board of Revenue before-mentioned states :—

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" 280. It differed from the ryotwar chiefly in the assessment being fixed on the entire aggregate lands of the village, not on each distinct and separate field ; in its being concluded with all the ryots collectively, not with each individually; and in its giving up to the ryots not only the revenue to be derived from the arable lands, but that also to be obtained by after-exertion from the waste also. In fact, in leaving, in consideration of a contract to pay a given sum as public revenue, the entire internal administration of the affairs to the village community.

" 281. The object in view was to adapt the revenue administration to the ancient institutions and ancient usages of the country, to which the Hindoos are proverbially attached ; to suit the system to the people, and not to attempt to bend the people to the system. Mr. Place, quoted by some mistake in England as an advocate for ryotwar, has well described the village settlement, and it is curious to observe the accuracy with which he predicted the consequences resulting from an attempt at the introduction of ryotwar in the Tamil country.

" ' It would,' says he, ' be superfluous, impracticable and impolitic, to ascertain with greater precision than has already been done, the measured extent of each share, or of each man's proportion of meerassay; because, in the first place, it would strengthen those suspicions which have arisen, and in the next, it could only be done by personal survey, and the most unremitting attention, which I think hardly any one man can give to the completion of such a work, independent of innumerable variations that would take place while it was in hand ; and it would be unwise, because not only it will be ever the most beneficial mode to let the lands of every village jointly to the inhabitants at large, both with a view to security and to good cultivation ; but to let them separately, would tend to create divisions and dissensions, to the undoubted embarrassment of themselves as well as of the public. No difficulty occurs in fixing the value of all the lands together of one village, but it would be nearly impossible to assign to every small allotment its portion so exactly, and with such due regard to fertility of soil and other circumstances, that some should not benefit and others suffer ; yet the latter would not receive the assistance of the former in case of failure in their engagements.

" ' At present every village considers itself a distinct society, and its general concerns the sole object of the inhabitants at large ; a practice, surely, which redounds as much to the public good as to theirs ; each having, in some way or other, the assistance of the rest. The labours of all yield the rent ; they enjoy the profit proportionate to the original interest, and the loss falls light. It consists exactly with the principles upon which the advantages are derived by a division of labour; one man goes to market, whilst the rest attend to the cultivation and harvest ; each has his particular occupation assigned to him, and insensibly labours for all ; but if each had these several duties to attend to, it is obvious that all the inhabitants must be absent together at those times that are most critical, both to them and to the State, and that many must want those abilities necessary to the performance of the various employments that would arise.

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" ' On the whole, I cannot but consider that any reform tending to do away the union, or, if I may be allowed the expression, the unity of the inhabitants, and to fix each exclusively to his property, will be attended with danger.' "

" 285. It was apprehended by some, that where the collective body of the ryots would not consent to the assessment fixed by the collector on the village, and it became, consequently, requisite to enter into a settlement with the head only of the village, he would exercise over the inferior ryots all sorts of oppression, but it was conceived that his petty tyrannies could never equal those to which the ryot was liable from the more powerful tehsildar. On the contrary, it was thought that his more intimate acquaintance with the affairs of the village, his superior knowledge of all its localities, his fellow feeling for his unfortunate brethren, the assistance and forbearance which he knew when and how to afford to each ryot much better than the tehsildar, the interest he possessed in supporting his popularity among the village community by a system of conciliation, and, above all, his entire dependence on the ryots themselves to enable him to fulfil his engagements, would render him a much more acceptable superior to them than the collector's severe and authoritative deputy, connected with the ryot by no ties of dependence, friendship or fellow feeling, and dependent for all his prospects in life chiefly on the state of his treasury and the precision of his collections."

34. That the objection referred to in the above quotation from the Board of Revenue's Minute is, as far as your Petitioners are acquainted, the principal, if not the only one, that has been urged against the village system ; and the Court of Directors have adopted it in their Revenue Letter to the Government of this Presidency, dated the 12th December 1821 ; when alluding to the propriety of assessing the lands of a village in common, they observe, it " appears, according to all the information before us, liable to this conclusive objection, that the principal ryots are enabled in villages of this description to relieve themselves at the expense of the inferior ;" but your Petitioners submit that, with only common and proper regulations for the guidance of the managing ryots, equal justice could be easily distributed; there is no record that the contrary has at any time been the case, under the short operation of the decennial settlement ; while there is abundant testimony to the beneficial effects it is capable of producing towards the entire village community. As, for instance, the Honourable Mountstuart Elphinstone, when Governor of Bombay, recorded

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his opinion that the system was less objectionable, " because there are many ties on the potail (or head ryot of the village), to prevent his oppressing the people with whom he has been brought up, and among whom he is to pass the remainder of his days. It is not by any means so unpopular among the people. It gives to the person whose business it is to direct and encourage the labours of the ryots, an interest in their success; it strengthens the influence of the potail, so much required in revenue, police, and in settling disputes, and so likely to be undermined by the introduction of an officer of Government." Mr. Martin, Resident and Chief Commissioner at Delhi, speaking of the same class of persons in the Upper Provinces of Bengal,—letter to Government, 31st May 1831,—observes, " Independently of the numerous ties by which they are connected with several subdivisions of the village, and which constrain them to the observance of an equitable regard to the right and interests of all, the process of internal distribution among themselves of the share which each of the subordinate proprietors shall contribute to the payment of the Government demand, regulated as that process is by principles and usages which are familiar to all, constitutes, in my opinion, a sufficient safeguard against the undue preponderance of sinister interest in the engaging partner, and produces that harmonious regulation of the village economy, which results from the free co-operation of its members in the settlement of their affairs, and which appears to be no less conservative of the moral interests of the community, than conducive to an equitable assessment upon each proprietor, according to the extent and value of his share in the aggregate demand of Government."

35. That your Petitioners will adduce further testimonies to the excellence of the village system, when preserved in its integrity. The first being that of the influential personage who has been the main introducer of the ryotwar system: Sir Thomas Munro, in his Report of the 15th May 1806, states, " Every village is a little republic, with the potail at the head of it, and India a mass of such republics. The inhabitants, during war, look chiefly to their own potail. They give themselves no trouble about the breaking up and division of kingdoms; while the village remains entire, they care not to what power it is transferred. Wherever it goes, the internal management remains unaltered. The potail is still the collector, magistrate and head farmer." And the second is derived from the authority of the late Lord Metcalfe,—" The village communities are little republics, having everything they want within themselves, and almost independent of any foreign relations. They seem to last where nothing else lasts. Dynasty after dynasty tumbles down, revolution succeeds revolution, Hindu, Pattan, Mogul, Mahratta, Sikh, English, all are masters in turn; but the village communities remain the same. This union of village communities, each one forming a separate state in itself, has, I conceive, contributed more than any other to the preservation of the people of India throughout all the revolutions and changes which they have suffered, and is in a high degree conducive to their happiness and to the enjoyment of a great portion of freedom and independence."

36. That both the Madras Government and the Board of Revenue, who witnessed the effects of the decennial assessment, were highly satisfied with the result, and recommended its general adoption; combating the objections against its introduction in the following language, copied from the Minute on which your Petitioners have already drawn so largely:—

" 287. The judgment which has been pronounced in England against the village system, of which the outline is given above, is founded on a very partial and unfavourable view of its results; for it does not appear that the authorities at home had, at the time when that judgment was passed, any information before them respecting any other portion of it than its commencement, the triennial settlement. It is hoped that the reports which have since been forwarded, in elucidation of the effects of the decennial settlement, will enable them to form a more correct opinion of the tendency of the village system.

" 288. Nothing, however, that has been urged at home, appears to contravene any of the fundamental principles of the village system. The whole of the evils arising from the triennial settlement, or which have been attributed to it, may distinctly be traced, not to its intrinsic principles, but to its over assessment, which it must be allowed has been justly condemned; for it was nearly every where a mere rack-rent. Under the pressing orders received from England, about that period, requiring from this country a surplus revenue of a million sterling, accompanied by a threat from the honourable Court of Directors to take the revision of the establishments into their own hands, not only was the most rigid economy enforced in all departments of the State, but the triennial settlement of each village where the ryotwar system had existed was too generally determined with 'reference to the payments under the survey rent,' in other words, with reference to the collections under the ryotwar system, when all was taken from the people that they were able to pay.* The over assessment during this period, therefore, arose from the triennial settlement having in a great degree been founded upon the fallacious data of the ryotwar collections; and if any inference is to be drawn from this circumstance, it is one against the ryotwar, not against the village settlement.

" 289. This practical error, with some others of a similar nature which had inadvertently crept into the triennial settlement, and are attributable entirely to a deviation from its principles, was in general avoided in the decennial settlement, which, as embracing a longer period

* *See* Report of the Board of Revenue to Government, dated 25 April 1808.

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period and a greater vicissitude of seasons, is a standard by which a fair judgment may be formed of the result of the village system.

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"290. That although this system has not been equally successful in every district, yet even where (as in Bellary) it has been the least so, the collectors are unanimous in opinion that it has most materially improved the condition of the great agricultural population of the country, and that it is the great body of the ryots, and not the mere parties with whom the settlement was concluded, who have chiefly benefited by the village settlement. The ryotwar teerwas have nearly everywhere been greatly reduced; and instead of the head ryots oppressing their inferiors, most of the collectors have been obliged to prop their weakened authority by that of their tehsildars. This, without any material exception, is the universal language of all their reports, and it is a result which may be confidently offered as conclusive evidence that the system has generally answered the expectations of those by whom it was introduced; but where the settlement has been best conducted, as in Cuddapah and the northern division of Arcot, a picture of prosperity is drawn, of which the parallel may in vain be 'sought for throughout the revenue records of this Presidency.'"

37. That, notwithstanding this decided testimony to the superiority of the village system as regards the prosperity both of the revenue and the cultivator, the Court of Directors ordered the village system to be superseded by the ryotwar, as before stated by your Petitioners; and, with a professed view to remedy the evils attending it, issued orders which declared that the labour of the ryot should be henceforward free from compulsion; that private property in lands on this side of the Peninsula should be acknowledged, and that the over-assessment should be reduced; but, however well-intentioned those orders may have been, ryotwar is still the curse of the country, the over-assessment continues unaltered, the ryots are compelled to cultivate at the pleasure of the tehsildar, and the acknowledged right of private property in no way prevents the oppression of the owner, nor his gradual and sure depauperation. That while your Petitioners apply to your Right honourable House for a return to their old revenue system on the broad ground of justice to the cultivators, they beg to point out a few particulars in which the change will be advantageous to the Government:—1. It will be relieved from the loss and corruption entailed by the ryotwar system; 2. It is secured from all loss arising from unequal land tax; 3. The rent will not depend upon the correct assessment of the cultivation; and, 4. The charge of collection will be considerably decreased; yet even were there no immediate advantages likely to accrue to the Government, your Petitioners would represent that a lighter and more reasonable assessment, coupled with the removal of the vexations and oppressions accompanying the present mode of collection, would ensure a much larger cultivation, and thereby the revenues of the State would be improved; and that the people of India are therefore entitled to seek and to obtain from the paramount authority of the Imperial Parliament the necessary and equitable redress of the weighty and multiform grievances brought upon them by the introduction of the system under which they groan; and their claims to the mode of redress they have pointed out are rendered still stronger by the fact, that a settlement by villages nearly resembling that which your Petitioners seek for themselves, is actually now in full operation in the north-western provinces under the Bengal Presidency, where the leases are held on a term of thirty years' duration.

Moturpha.

38. That the next grievance regarding which your Petitioners appeal to your Right honourable House, is the moturpha, or tax upon trades and occupation, embracing weavers, carpenters, all workers in metals, all salesmen, whether possessing shops which are also taxed separately, or vending by the road-side, &c. &c., some paying impost on their tools, others for permission to sell, extending to the most trifling articles of trade and the cheapest tools the mechanic can employ, the cost of which is frequently exceeded six times over by the moturpha under which the use of them is permitted.

39. That this tax, although of Mahomedan origin, as might well be supposed only from its oppressiveness, without the proof that it was so, contained in the Arabic word "moturpha," was never universal at this Presidency, and was declared to be general only 20 years ago by Reg. V. of 1832, whereby it was enacted, that "the not having been actually charged with the said tax for any length of time, or residing at a place where it has not been actually levied, shall not entitle any person to exemption from it;" while such is the extreme irregularity of its collection, that whereas in the district of Tanjore it does not exceed the average of a farthing per head, in Kurmool, where the land assessment is much greater than in Tanjore, it amounts to no less than 9*s.* 4*d.* per head; while in the district of Canara it has been remitted since the year 1842, and in that of Madura it remains unenforced to this day.

40. That the last place to which it has been extended is a part of the district of Chingleput, and its introduction there in 1843 was attended with a serious disturbance; so great is the aversion of the people to this obnoxious impost, which compels them to go to the collector for their pullahs, and often to be away from their occupation three or four days at a time, costing them as much for their own expenses, and frequently more than the amount of the tax they have to pay; in many parts the poor are taxed, while the more affluent are exempted; and in all instances it falls more heavily upon the indigent than upon the wealthy; while the discretionary power under which it is collected, affords a wide field for the perpetual practice of inquisitorial visits, extortion and oppression, as suits the pleasure or the cupidity

cupidity of the irresponsible collectors, with whom it is no unusual thing to resort to imprisonment and fetters, in order to compel their exactions. That the whole sum raised by this impost is but little above 100,000 *l.* sterling; and, as it has already been entirely abolished at Bengal and Bombay, your Petitioners request that the same advantages may be extended to Madras.

Small Farms and Licenses.

41. That closely allied to the moturpha impost is the grievance of small farms and licenses, intended for raising what is called "extra revenue," and which consists in the annual leasing out to individuals of certain privileges, such as the right of measuring grain and other articles; the right to the sweepings of the goldsmiths' workshops; the right of dying betel nut; of cutting jungle wood; of grazing cattle; of gathering wild fruit and wild honey; of catching wild fowl; of cutting grasses used in thatching, basket rushes and cow-dung; and innumerable other such rights of levying taxes from the poorest of the poor, who feel them to be a most intolerable burthen, not only in the amount, but in the vexations attendant on the collection of the money. Your Petitioners therefore pray that these grinding imposts, the moturpha and the small farms and the licenses, may no longer be permitted to oppress the suffering people of this Presidency.

Salt Monopoly.

42. That the next grievance to which your Petitioners would draw the attention of your Right honourable House is the salt monopoly, a source of revenue introduced into this Presidency by the East India Company; the manufacture of this article under the former governments having been subjected to no other restriction than that of a trifling duty; but under the British Government the right of manufacture began to be farmed or rented by individuals upon such terms as enabled the manufacturers to sell it on the coast at the price of 10 pagodas or *Rs.* 35 per garce of 3,200 measures; and up to the year 1805, the revenue derived from that source did not exceed 80,000 pagodas, or *Rs.* 280,000 per annum.

43. That in the year 1806, the Government established an agency for the control and management of the salt department, the first consequence of which was the doubling of the price of the article, which was then fixed at *Rs.* 70 the garce, when the annual average consumption for the space of three years amounted to 31,685 garces, at the end of which time, in the year 1809, the price was again raised from *Rs.* 70 to *Rs.* 105 the garce, being three times as much as it had been prior to the Government monopoly; but as the enhanced price naturally decreased the consumption, the price in 1820 was again fixed at *Rs.* 70; but after a course of eight years, the price was again fixed at *Rs.* 105, which was still further raised to 180 in the year 1844; but in the same year it was reduced to *Rs.* 120, at which price it has ever since continued; that this being the wholesale price, it is of course sold to the retail dealer at an advance, who, as necessarily, adds his profit, to be paid by the consumer; and while the poorer classes are able to purchase a much smaller quantity than they could consume when living nearest to the salt-pans, those who reside at a distance have to pay the expenses of the carriage, at the average rate of a rupée on each garce for every mile; so that it comes to them, according to the distance, 50, 100 and 200 per cent. dearer than at the coast; and the consequence is, that either the people go without salt altogether, or substitute an unwholesome article obtained from common earth impregnated with saline particles, which they manufacture at the risk of punishment, the procurement of salt other than that of the monopoly being prohibited under penalty of fine and corporal punishment, inflicted at the discretion of the collector, or his tehsildar.

44. That your Petitioners submit the great probability, amounting almost to a certainty, that the revenue derivable from this article might be obtained, if not even exceeded, were the monopoly reduced to the original price of *Rs.* 70 the garce, as may be intelligible from the calculations following. By the revenue accounts for this Presidency during the four years commencing with 1846-47, and ending 1849-50, printed by order of the Honourable the House of Commons in May 1851, and which are the latest accessible to your Petitioners, it appears that the annual average gross revenue is *Rs.* 46,41,868, the actual amount for the last year, 1849-50, being *Rs.* 46,45,946; and the sale price being *Rs.* 120 per garce, the quantity consumed will amount to not more than 38,716 garces, or enough to supply the wants of 6,882,844 individuals, 18 measures per annum being the average quantity consumed by each individual who can afford to purchase; but the population of the 20 collectorates, including that of the city of Madras, amounted in 1850-51, as per Return of Census published by the Board of Revenue of Fort St. George, to 22,301,697; to which, if there be added the population of Mysore, Travancore, and the recently-acquired province of Coorg, which in the year 1839 was estimated at 3,419,754, there will be found a total of 25,721,451, out of which there may be calculated that 20,000,000 are, or would be if they could procure it, consumers of salt, allowing 5,721,451 for infants under five years of age who do not use the article; and these 20,000,000 consuming, as they would do, on an average, 18 Madras measures per annum each, would require a supply of 112,500 garces, or nearly thrice the quantity of the present actual consumption, without including the salt required for the cattle, which is a large quantity, and would be increased materially by the diminution of the price.

45. That, according to the published accounts above quoted, it will be found that the cost and charges of the manufacture is something under *Rs.* 21 the garce; and, consequently, if from these 38,716 garces, sold for *Rs.* 46,45,926, there be deducted the actual cost and charges of *Rs.* 8,12,614, the net profit to the Government will be *Rs.* 33,33,312; but the sale price of 112,500 garces, at *Rs.* 70 per garce, is *Rs.* 78,75,000; and deducting for cost and charges

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charges the sum of *Rs.* 25 the garce, amounting to 2,812,500, the net profit to Government will be *Rs.* 50,62,500, or *Rs.* 16,29,188 in excess of the revenue now obtained at the sale price of *Rs.* 120 per garce; that the excess of revenue just quoted is equal to 23,274 garces, sufficient for 4,137,600 people; so that should the consumers be no more than 16,000,000, instead of 20,000,000, the present net revenue will suffer no deterioration, and the Government will still have a gain upon the article of more than 180 per cent.; your Petitioners therefore pray your Right honourable House that, as the lowering of the price will do no harm to the Government, while it will relieve so large a portion of the people from a most oppressive and injurious tax, affecting not only their comfort, but their health likewise, that the Government charge for the article may return to the rate first introduced by the monopoly.

Abkary.

46. That another serious evil, of which your Petitioners have to complain, is the increased and increasing consumption of spirituous liquors at this Presidency, owing, as your Petitioners are compelled to state, to the encouragement given to their use by the local government, and from which, in the capital alone, it now derives a gross revenue of 60,000 *l.* per annum. The liquor generally known by the name of arrack is made at the government distilleries, and thence supplied to licensed venders to the number of 150, by whom it is sold, in small quantities, in every direction. In the interior, the manufacture and sale of the article is committed to contractors or farmers, who compete for the privilege annually at public auction, the sales realizing, on the average, 250,000 *l.* a year; and as the sale price is extremely low, the quantity consumed and the number of consumers is immense. Drunkenness, with all its miseries, is consequently common throughout the land, and its baneful effects are a full counterpoise for whatever real or imaginary benefits have been derived by the lower orders of India from her connexion with Great Britain. Your Petitioners have not memorialized Government in order to obtain the repression of this evil, not only because memorials to the Bombay authorities have totally failed, but because the amount of revenue thus derived from native demoralization is too great for your Petitioners to indulge the slightest hope of procuring even a diminution of so profitable a vice, forbidden by Hindu and Mahomedan law, and comparatively unknown before the ascendancy of European dominion. But your Petitioners venture to indulge an expectation, that your Right honourable House will view the pestilence in its true light, and provide the remedy which so widespread and ruinous a calamity imperatively demands.

Post Office.

47. That your Petitioners will now advert to some other subjects requiring redress, such as the Post-office, which, besides being very tardily and slovenly conducted, acts, by the exorbitance of its charges, like a dead weight upon commercial correspondence and the circulation of knowledge; and which weight would be considerably lightened, were the conveyance of official papers, which form three-fourths of the mail conveyed by tappal, placed to the expense of the Government: this would make this Post-office revenue four times the amount now credited, and of course would permit of a corresponding reduction in the cost for carriage: a letter or package which now is taxed at 1 *s.* might then reach its destination for the cost of 3 *d.*, and still the returns of the department would more than cover the expenditure, even without an increase of correspondence, which, however, would certainly take place to a considerable extent, as a consequence of a diminution in the rates of postage.

48. That a necessary auxiliary to the increase of correspondence is a thorough reform in the management of the Post-office departments, beginning at the capital, and extending to the remotest boundaries of the Presidency, which, although containing an area of upwards of 140,000 square miles, has no more than 130 Post-offices, controlled by 30 postmasters, a number totally inadequate to the wants of the public, to meet which efficiently, your Petitioners suggest that there should be at least one or more officers in every talook, according to its size, so that no inhabited part of the country should be more than 10 miles from a Post-office. At present, the arrangements for distributing the letters among the native population, even at the stations where the offices are situated, are most defective and imperfect; the agents employed are of an inferior description, who frequently defer the delivery for days, till the parties to whom the letters are addressed submit to some unauthorized demand; while, as regards places at a distance from the post stations, the evil is much greater; enormous delay, extending not unfrequently to weeks, is incurred, and a heavy charge besides; while, after all, the delivery of letters is uncertain, and wrong parties are sometimes permitted to obtain their possession.

49. That these combined circumstances, the paucity of offices and their inefficient supervision, the delays, exactions and uncertainties, cause the Post-office to be greatly less trusted than it would otherwise be by the native public, who, in very many instances, have established dawk transits at their own expense, thereby depriving the State of a part of its income, to an extent necessarily unknown, but as necessarily of no trivial importance; and your Petitioners therefore request that there may be a thorough reform in this department, reaching to the whole of its branches; and that every paper or package passing through it shall be made subject to the same uniform rate of charge.

Maharatta Dufter.

50. That another office, constituting useless expense to the Government, is that of the Mahratta Dufter, or native revenue establishment, by which all revenue accounts have to be translated from the Telugu, Canarese, Malayalum and Tamul languages, in which they are originally kept and furnished, into the Maharatta; from which they are again rendered into English:

English: this plan has been pursued at this Presidency since the year 1824, and up to the present year has cost little short of 90,000 *l.*; the money being absolutely thrown away, besides increasing the amount of public business, together with a proportionate amount of official perplexity and confusion.

Irrigation.

51. That your Petitioners now proceed to direct the attention of your Right honourable House to the Maramut department, by which is intended the construction and preservation of reservoirs and channels for the purposes of irrigation, upon which not merely the fertility of the soil, but the practicability of its cultivation is mainly dependent on the eastern side of India. Both the reservoirs and the channels are of the remotest antiquity, and were in former times extremely numerous; but at the present period, not more than four-fifths of those still existing are kept in repair, while others have altogether disappeared, causing a decline in the agriculture of the Presidency, equally hurtful to the ryot and the revenue; and this evil is occasioned partly from the unwillingness of the Government to disburse a sufficiency of funds, partly from what it does disburse being unsystematically applied, and partly because the execution of the works is entrusted chiefly to the tehsildar, to whom are committed the purchase of materials, the engagement of the labourers, and the payments due for each, he being held responsible both for the manner and time in which the work is completed; and the powers of this officer being almost unlimited, as he possesses, with very little abatement, the authority of the collector, he is able to compel the supply of materials and labour below the market price, to diminish the quantity of that actually furnished by short measurement of the work performed, and to delay the settlement of accounts almost indefinitely at his pleasure.

52. That although an impost is annually levied upon the ryots for the repair of the reservoirs and channels, there being a distinct charge consolidated in the land assessment for the use of the water, and although the construction of new reservoirs, where they are needed for an increased cultivation, will always give a return from 50 to 60 per cent. on the capital laid out; yet, in the province of Tanjore, whose general fertility entitles it to be called the granary of the Madras Presidency, it appears, by the latest published report of Captain A. Cotton on that district, the annual expenditure for repairs and other purposes connected with irrigation amounts to no more than about 2 per cent. upon the gross produce; and he remarks, "There are at this moment passing to the sea by the Colleroon at least 100 million of cubic yards of water per day, sufficient for a crop of paddy in 8,000 cawnies; in a good fresh, sufficient water for a crop on 30,000 cawnies run to waste daily. In a moderate season enough is lost to water, certainly at least a million cawnies, or a tract double the extent of Tanjore, which would provide grain for about 2½ millions of people." And if such is the slender disbursement upon irrigation in the best watered province of the Presidency, it must be trifling indeed in those districts which are more neglected, and, as a natural consequence, contribute to the revenue in a far smaller proportion; the results of this negligence being, that immense tracts of land lie everywhere uncultivated, simply for want of requisite irrigation, while numerous large rivers are hourly rolling their surplus waters into the ocean, along a coast extending from 800 to 1,000 miles along the eastern side of the peninsula, dooming reclaimable and virgin lands to sterility, and causing, in great part, the periodical famines, which, with their concomitant, the pestilence, sweep away the wretched inhabitants by myriads at each time of their dreadful visitation. "Had a hundredth part," observes Captain Cotton, "of the time, labour and money that has been lost by droughts, or expended in trying to obviate the effects of scarcities, been expended in providing against them, very much might have been effected; it is undoubted, that in the worst year that ever occurred, enough water has been allowed to flow into the sea to have irrigated 10 times as much grain as would have supplied the whole population." And the indifference of the Government on this head is the more remarkable, from its being a known fact, that proper irrigation is computed to increase fivefold the produce and the value of the land watered.

Roads.

53. That closely connected with the irrigation of the country is the construction of roads, to enable the cultivator and the manufacturer to contribute to the wants of each other, and thereby increase the prosperity of the inhabitants in general, and in regard to which your Petitioners have the greatest causes for complaint, it being a melancholy fact that the sum expended for this purpose at the Madras Presidency is scarcely above one-half per cent. on her revenue, in the North-west provinces it is two-and-a-half, and in Bengal more than one and three quarters; while Bombay, with a far smaller revenue, and half the number of inhabitants, has more than 37,000 *l.* expended upon her roads and canals, while Madras has only 30,000 *l.*

54. That the condition of the roads at Madras, however bad, is just what could be expected under such circumstances; but as it is impossible for your Petitioners to get at official documents on this head, the Government having declined complying with the request of the Association, and all public officers, civil and military, being prohibited to communicate official information, they will draw upon an article contributed to the "Calcutta Review," No. XXXII. for a few facts by way of elucidation. The number of principal or trunk roads as set down in the Return of public works, printed by order of the Honourable the House of Commons in 1851, is only 11; but very few of these are finished, and not one of them is kept in a state of sufficient repair; the only road that is always in good order is that leading from Fort St. George to the head quarters of the artillery at St. Thomas's Mount, a distance of about eight miles; the longest road is that from Madras to Calcutta, 900 miles estimated length, but it has never been completed, and although it is called the Great North Road, and is used by all travellers proceeding to the northern parts of the

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Presidency, yet even a few miles from Madras it is not distinguishable from paddy fields, and piece goods have to be brought on the heads of coolies from Nellore, 110 miles distant, and situated on this very road; 50 miles farther it passes over a wide swamp, causing carts and travellers to skirt its edge in mud and water, as well as they can, during six months of the year; on another part of the same line, near Rajahmundry, a gentleman was lately four hours in travelling seven miles on horseback: parts of this road have been at various times repaired, but these portions have afterwards been totally neglected and allowed to fall again into ruin; for the most part the line is unbridged, and in the places where bridges have been constructed, they have been neglected, till the approaches have been wholly cut away by the rains, leaving the bridges inaccessible, and consequently useless. From this road another branches off towards Hydrabad and Nagpore, but, though it is only 22 miles in length, the money expended upon it has been thrown away, and it is never in a fit state for traffic; and such is the general condition of all the rest of the trunk roads, with the exception of that leading to Bangalore, which, and which alone, is practicable, and that only latterly for post carriages and horses, proceeding at the rate of four or five miles per hour.

55. That the country is in an equally desperate condition as regards district roads. The district of Cuddapah, measuring 13,000 square miles, has nothing that deserves the name of road; there are tracks, impassable after a little rain, and everywhere carts, when used, carry half their proper load, and proceed by stages of half the usual length; while the trunk road from this district is so notoriously bad, that the Military Board use it as a trial-ground to test the powers of new gun carriages, which are pronounced safe if they pass over this severe ordeal. This district is one of the finest cotton-fields in South India, but has its prosperity impeded and kept down by the wretched state of its internal roads, and of its communication with the coast, the natural outlet for its commerce. Other districts might be named only second to this in extent, and hardly inferior in capabilities, in which the internal communications are no better; and there are few districts in which country roads, as distinguished from the chief trunk roads, have received any attention whatever, and to all but those few the description of Cuddapah is applicable; the principal exception being the collectorate of Salem, which, as it is a level country, without any large rivers, has, under Mr. Orr, received considerable improvement at a trifling expense of about 4,000 *l.*, and the forced labour of the district; but it is still without main routes of communication with the surrounding districts.

56. That the entire extent of road practicable for bullock carts scarcely exceeds 3,000 miles for the entire Presidency; mostly without bridges, impracticable in wet weather, tedious and dangerous in the dry season; not an individual talook possesses roads correspondent to the number of its population, and where there is the greatest improvement, as at Salem, it is of no benefit to the other parts of the country, and to them is all the same as if it had no existence.

57. That the unwillingness of the Company and the local government to expend money on the construction of roads requisite for the interchange of traffic from province to province, and from the interior to the shipping ports along the coast, would be incredible if it were not a notorious and substantiable fact; and it is still worse that they should pretend the ryots ought to make them at their own expense; for pressed down, as they are, by a heavy load of taxes, which renders them too poor to purchase Company's salt for their miserable food of boiled rice and vegetable, the latter too frequently wild herbs, the spontaneous produce of the uncultivated earth; unable to supply themselves with clothes, beyond a piece of coarse cotton fabric, worth 2*s.*, once in a twelvemonth, it is impossible for them to find the means or time for road-making gratis, even if they possessed the skill requisite for the purpose; and your Petitioners submit that it is the bounden duty of the State, which reduces them to their miserable condition, and keeps them in it from charter to charter, to spend a far larger portion of the revenues upon the improvement of the country whence they are derived than it does at present. It can find money to carry on wars for self-aggrandizement, to allow immoderate salaries to its civil service, to pension off the whole of its members on 500*l.* a year each, and to pay interest at 10 per cent. to the proprietors of East India stock, all from the labour of the ryot; and when he requires roads by which he might find the means of bettering his condition, and that of the revenue, he is told that he must make them for himself.

58. That the refusal of the local government to effect the necessary improvements, on the ground of financial incapacity, has indeed much appearance of truth, owing to the circumstance that the Supreme Government of India will not allow any money to be assigned to the purpose of improvements at this Presidency, unless she contributes to the general revenue of the Company the quota of 50 lacs of rupees over and above her own expenditure; and as the surplus revenue for the year 1849-50 was only *Rs.* 43,16,761, and all preceding years very much less, Madras on these terms can hope for but a small allowance; but the fact is that she is dealt by most unjustly in being compelled to furnish military protection to various districts, the revenues of which are paid into the treasuries of Bengal and Bombay; the cost to her of the troops thus supplied amounts to *Rs.* 79,83,000, making, with the surplus already quoted, the sum of *Rs.* 122,99,761, nearly 73 lacs above her assigned quota, and, were she to be allowed to spend her own surplus, there would be ample funds both for public works and for relief from injurious and impolitic taxation; while the construction of

good

good roads throughout the Presidency would go far to abate the severity of periodical famines, by permitting the easy transport of grain from one province to another, which is absolutely impossible under present circumstances, when a journey of any length would occasion the consumption of the grain for the support of the drivers and their cattle long before they could reach their destination. Your Petitioners, therefore, beg for that portion of redress which your Right honourable House shall judge due to the necessities of the people and the prosperity of the Presidency.

Company's Courts of Law.

59. That your Petitioners now come to the representation of the grievances under which they labour, in connexion with the administration of civil law in the courts of the East India Company, the process of which, besides involving large unnecessary expense, is slow, complicated and imperfect. These courts comprise those of the moonsiffs, with a jurisdiction in suits under *Rs.*1,000; of the sudr ameens, with a jurisdiction below *Rs.*2,500; of the principal sudr ameens, or subordinate judges, within *Rs.*10,000; and of the zillah, or civil judges, with jurisdiction unlimited; finally, the Court of Sudr Adawlut, the highest court of appeal in the country, having also discretionary power to call up certain suits from the civil courts for original investigation.

60. That from the decisions of the moonsiffs, sudr ameens, principal sudr ameens, or subordinate judges, an appeal lies to the civil courts; decrees of these latter are similarly appealable to the Sudr Adawlut, and in suits involving *Rs.*10,000 and upwards a further appeal to the Privy Council is open; also cases appealed to the civil courts can have a special appeal to the Sudr Court, should there be any inconsistency with some law or usage in respect of which there may exist reasonable doubt. The moonsifs, sudr ameens and principal sudr ameens, are either Europeans, East Indians or natives, but the subordinate, civil and sudr adawlut judges are covenanted civil servants.

61. That in all suits, whether in courts of the First Instance or in Appeal, every paper presented to the court, the power of attorney to the vakeel, the pleadings, the exhibits of whatever kind must be on stamped paper of a certain value, varying in an ascending scale with the jurisdiction of the courts, from 4 annas (sixpence) to 4 rupees (8 shillings) per sheet of 30 lines, independently of an institution fee, payable in every court through which a suit may be carried, according to the following scale:—In suits for sums not exceeding 16 rupees, one rupee; above 16 and not exceeding 32, two rupees; from 32 to 64, four rupees; from 64 to 150, eight rupees; from 150 to 300, sixteen; from 300 to 800, thirty-two; from 800 to 1,600, fifty; 1,600 to 3,000, one hundred; 3,000 to 5,000, one hundred and fifty; 5,000 to 10,000, two hundred and fifty; 10,000 to 15,000, three hundred and fifty; 15,000 to 25,000, five hundred; 25,000 to 50,000, seven hundred and fifty; 50,000 to 100,000, one thousand; above 100,000, two thousand; this fee is to be the stamp on the first sheet of the plaint or petition of appeal; and all further sheets to complete the pleading must have each a stamp, varying, according to the court of jurisdiction, from 4 annas to 4 rupees. All proceedings in every suit are matter of record to meet the privilege of appeal.

62. That the vexatious delays arising out of the present judicial system, and the injury thereby inflicted on the suitors, attracted the notice of the Court of Directors so long ago as the year 1814, as will be apparent from the following extract from a despatch to the government of this Presidency, dated the 29th April in that year, and printed by order of the Honourable the House of Commons, on the 1st July 1819:—

"17. What also occasions the great arrears of suits in all our tribunals, both European and native, is the process and forms by which justice is administered. This process and these forms are substantially the same as those of the superior tribunals in England, and even pass under the same names. The pleadings of the court are, almost in every case, written (as well as the evidence of witnesses), and they proceed by petition or declaration, replication and rejoinder, supplemental answer and reply.

"18. Such a minute and tedious mode of proceeding, in a country where the courts are so few, compared with the vast extent and population of it, must be quite incompatible with promptitude and despatch. Causes must be long pending, and slowly got over off the file; and the tardiness with which they are brought to a settlement must, in innumerable instances, be a greater evil than the original injury sought to be redressed, to say nothing of the frequent visits which the litigant parties are under the necessity of making, for the purpose of filing their pleadings in the progress of the cause, according to the turn which the proceedings may take. This grievance is one of no ordinary magnitude to the suitors, as well as to those who may be summoned to give evidence. On one description of persons it must, according to the information we have received from Colonel Munro, operate with peculiar severity: we here refer to the heads of villages. 'They are (he observes) 'subject to great inconvenience and distress, being summoned as witnesses in every trifling litigation that goes before the judge from their respective villages. They are supposed to know the state of the matter better than anybody else, and are therefore always summoned. They are detained weeks and months from the management of their farms, and are frequently no sooner at home than they are called away 50 or 100 miles by a fresh summons about some petty suit which they could have settled much better on the spot; and crowds of them, as well as of the principal ryots, are always lying about the courts, and very often without its being known to the judge that they are there.'"

 63. That,

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63. That, in order to exemplify the tediousness of the protractions to which suits are liable, your petitioners will select a few cases from "Decisions of the Sudr Adawlut," published by that court, embracing the last half-year of 1849:—

Date of Proceedings of Sudr Adawlut.	Nature of Decision.	Year of Original Suit.	Time occupied.
2 July 1849 -	Special appeal suit decided - - -	1840	9 years.
„ „ -	Suit remanded to Civil Court - -	1845	4 „
„ „ -	Ditto - to ditto - - -	1843	6 „
„ „ -	Ditto - to ditto - - -	1846	3 „
20 Aug. „ -	Suit remanded to Original Court - -	1846	3 „
„ „ -	Suit remanded to Civil Court - -	1847	2 „
23 „ „ -	Decrees of Lower Courts reversed -	1841	8 „
22 Oct. „ -	Suit remanded to Civil Court - -	1846	3 „
12 Nov. „ -	Ditto - to ditto - - -	1845	4 „
24 Dec. „ -	Decree of courts below reversed after two remands in 1840 and 1844 - -	Uncertain	Above 15 „

64. That the above extracts are from cases first exhibiting the dates of the original suits; and they disclose a principal feature of the progress of civil suits, viz. a remand to the inferior courts for re-investigation and decision *de novo*, sometimes causing the litigation to be re-opened *ab initio*, and involving a second course of appeal; and although, in these cases, a portion of the stamp dues is remitted, still the pleaders must be paid, and other disbursements incurred, besides the fatigue and waste of time in journeying between the several courts, which, added to the uncertain and distant prospective of the final issue, are so harassing to body, mind, and pocket, that it would frequently be preferable to the successful party to have abandoned his rights, rather than to have exposed himself to the annoyance, expense and interminable troubles of the Company's courts of law. And, under all these considerations, it will be obvious to your Right honourable House, that, where the value of the property in dispute is trifling, the lawful claimant would choose rather to forfeit his claim than prosecute it at an expense beyond its worth; and when the property is large, the heavy institution fee must act as a bar to the man of small means seeking the recovery of his rights by the appalling process of the courts of the Company: your Petitioners consequently pray that trial at bar may be granted on a fixed day, with immediate decision, instead of an examination of witnesses from day to day, as they may delay their appearance; and shorter modes of executing the decrees.

65. That great as are the evils of delay and expenditure, another, scarcely less formidable, is to be found in the imperfectness of the machinery, to which, in point of fact, the two first-mentioned evils principally owe their origin; and consisting in the absence of sound judicial capacity in the presiding officers, especially those of the lower tribunals, scarcely one of whom has even a moderate acquaintance with the vernacular language of the district in which he exercises his functions, has previously devoted any portion of his time to the study of jurisprudence, or experienced even a limited training in a judicial court; and this evil is further aggravated by the injudicious manner in which they are appointed or removed. The heads of the judicial courts are in a state of perpetual transition; when one of them goes away from his post, he is generally replaced, *ad interim*, by the judge of another court, whose post also receives a temporary incumbent from a third court; and so on in a greater or less ramification of changes; all leaving many suits pending which have been partially heard by each of the judges prior to his temporary transition. Where these are intricate, the *locum tenens* usually allows them to lie over till the return of his predecessor; or, if the current business cannot be delayed, they are imperfectly investigated and hurriedly disposed of, manifestly to the prejudice of the suitor in either case.

66. That the indifference of the local government to the interests of the suitors in their courts is further apparent, from the circumstance that a party acquainted with the native language of one district is appointed to another with the vernacular of which he is wholly unacquainted; and one instance has lately occurred where Mr. A. Robertson, who is acquainted with Tamil only, was appointed to the Telugu district of Vizagapatam, where the administration, as Governor's agent, of both civil and criminal justice devolves on him; while Mr. W. A. D. Inglis, acquainted with Telugu, was transferred from Cuddapah, a district in which that language is spoken, to Chingleput, with the vernacular of which district he is totally unacquainted. The consequence of such appointments and exchange is, that the judge is necessarily thrown into the hands of the subordinates of his new court, at whose mercy the suitors find themselves almost entirely placed, with all the pernicious effects resulting from such an anomalous position.

67. That in connexion with the injudicious appointments to which your Petitioners have referred in the preceding paragraph, they beg leave to exemplify to your Right honourable House a few recent and striking instances. In 1847 Mr. E. P. Thompson was appointed a judge of the Sudr Adawlut, the highest court of appeal at this Presidency, when the whole of his experience in the judicial line—and that nine years previously—amounted to no more than

than five years and three months. In 1847 Mr. H. D. Phillips, who had been 8 years, 9 months, and 20 days in the same line, his whole period of civil service being only 17 years, was sent as commissioner to Kurnool, such being chiefly a revenue appointment; and subsequently, in 1850, as collector of Salem; while Mr. S. Scott, only 11 months in the judicial line, saving a little experience while commissioner in Kurnool, was nominated civil judge of Combaconum, one of the most frequented courts in this Presidency. In 1850 Mr. Roupell, who had never done a day's duty as a judicial officer, was made civil judge (an appellate office, and with unlimited jurisdiction as a court of the First Instance) of the important district of Coimbatore.

68. That as regards removals, your Petitioners will instance the case of Mr. Morehead, judge of the Sudr Adawlut, who, in 1850, was ordered to proceed as a commissioner to Ceylon, to investigate some matter concerning a military officer (in which the people of this Presidency had no interest whatever), and during whose absence suits, partially investigated by him, could not be disposed of, to the injury of the suitors therein, and in one case to a suitor's utter ruin from the delay; on which occasion Mr. Freese, who, out of a civil service of 22 years, had passed less than two years in the judicial line, and that also very long ago, was temporarily appointed to the place of Mr. Morehead; and they will also quote that of Mr. Strange, who was taken from his seat on the Sudr bench in this year to proceed on a Government mission into Malabar, on which he has now been absent nine months, and with the usual consequence of all suits examined or acted on by himself being suspended until his (uncertain) return; while, to conclude the general character of the Company's judicial service with its common appellation in this country, it is a "refuge for the destitute," all those persons who are too incompetent for the revenue department being transformed into judges and dispensers of the criminal and civil law of the Mofussil.

69. Your Petitioners, when thus submitting to your Right honourable House the grievances endured by the people of this Presidency in the administration amongst them of civil law, are unable to lay down what might be deemed a fitting remedy; but they may respectfully, yet earnestly, press upon the consideration of your Right honourable House, that the evil of delay acknowledged to exist in 1814 is still unremedied, and that a more summary adjudication of civil suits than can now be obtained is essential for the welfare, comfort and happiness of the people; that this cannot be obtained without altering the present system of appeal; that in doing away with much of these appeals it is indispensable that the courts having summary and final jurisdiction should be presided over by two or more trained, experienced and legally qualified judges; and that experience shows such heads of courts are not to be found in the civil servants of the East India Company, while, as at present, untrained and not specially educated for such responsible situations. Your Petitioners would also suggest the propriety, amounting almost to necessity, of the class of superior judges being rendered incapable of displacement at the mere pleasure of the local government, in order to insure impartiality and justice in their decisions, especially in cases where the East India Company or the local government are parties to the causes to be adjudicated.

70. That besides the better training and more thorough education of the judges in a course of legal knowledge, your Petitioners beg for a complete reformation in the practice of pleading, so that vakeels and pleaders may likewise be previously subjected to a course of sound and thorough instruction, and obtain license to plead only upon regular certificates granted by the Sudr Adawlut, in regard to the necessity of which your Petitioners beg to quote the language of the despatch already referred to, in para. 62:—

"The defective and superficial acquaintance of the vakeels themselves with the regulations, their general inaptitude for the discharge of their duties, has long been the theme of complaint on the part of our servants under the Bengal Presidency, as well as by Colonel Leith, who was employed under your Government in framing the original code of laws and regulations, and who has, in his letter to the Chairman to the Court of Directors, of the 25th January 1808, of which we formerly transmitted you a copy, expressed his opinion on the subject of the vakeels, in terms which have particularly attracted our attention. 'There is, perhaps,' he says, 'no part of the judicial system which has been attended with worse consequences than the vakeel branch of it; they are in general extremely illiterate, and their situation gives them various opportunities of committing abuses which are not easily detected; in particular, they have been accused of promoting litigation, by holding forth false promises of success to their clients; their habits of intercourse with the natives, and their being, in a manner, the only persons who are acquainted with the regulations, makes it easy for them to do so. I do not hesitate in saying, that one great cause of the litigation and delay in law-suits has arisen from the native pleaders.'

"23. Your Board of Revenue also, in the Report to which we have already referred, have distinctly averred that 'the licensing of pleaders in vakeels had led to a series of fraud and corruption in the zillah and provincial courts,' and they therefore recommend that in the revenue courts which it was then in contemplation to establish at the Presidency, 'pleading *ore tenus* should be adopted, instead of petitions, replications, and rejoinders.' We therefore direct you to instruct the courts of Sudder Dewanny and Nezamut Adawlut, and the inferior courts, to communicate their ideas on this subject, and that you do thereupon revise the respective powers, together with the forms of process in both departments, with the view of rendering the proceedings in civil cases as summary as may be compatible with the ends of substantial justice;" and to inform your Right honourable House that all things above noticed as

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injurious to suitors, arising from the ignorance and dishonesty of the vakeels, are as bad and common now as they were when Colonel Leith recorded his opinion.

71. That should it seem good to your Right honourable House to do away with the oppressive system of ryotwar, and substitute in its place the ancient village system of the country referred to in a former part of this Petition, your Petitioners pray that it may be restored in its integrity; the potail or head of the village, and his village servants, being invested with the superintendence of the local police, an appeal against his proceedings to the courts of justice being allowed; the institution of the village punchayet, which is now only optional, being rendered imperative, and composed of respectable ryots, to be selected by the villagers in monthly rotation, the punchayet to take cognizance of civil causes for simple debt up to *Rs.* 100, with the power of passing a final decision when the amount does not exceed *Rs.* 20.

72. That a district punchayet be formed for a certain number of villages, the members being elected annually by rotation, having jurisdiction in suits to the extent of *Rs.* 500, to which appeals may be carried from the village punchayets in all cases within their cognizance above *Rs.* 20, and that an office of registry be established in each village in communication with the collector's cutcherry for the prevention of frauds. And your Petitioners beg to refer your Right honourable House to the 48th and following paragraphs of the same judicial letter from the Court of Directors to this Government, for a full and favourable account of the punchayet system, to which they have adverted, the paragraphs being too many to be quoted at length within the compass of this Petition.

73. That the criminal courts of the Company are on a par with the civil courts, the judges being without any distinct legal training, excepting what is to be obtained in the revenue department, where they have all previously held the appointment of magistrate and justice of the peace; and although they have regulations furnished for their guidance, framed by the Sudr Adawlut, the members of which are persons selected from their own body, and whose whole stock of judicial information is derived from their experience in more subordinate situations, their proceedings are too frequently heterogeneous, and based upon misapprehension of the regulations; and their inefficiency may be inferred from the facts that, in the year 1850, the latest date to which your Petitioners have access, in one district, that of Rajahmundry, the disproportion of the persons punished to the number summoned was nine per cent. of the former to 91 per cent. of the latter, 100 men having been brought up for every nine that were convicted; in other districts the ratio has been in some 17 per cent., and in others 10 per cent., while the average ratio in all the districts throughout the Presidency showed that the number brought up to the magistrate was twice that of the convicted parties; and these inconveniences, amounting very generally to injuries, are chiefly occasioned by the European magistrates giving their principal attention to their revenue duties, leaving those of the magistracy to be performed by their subordinates. That in two districts alone, those of Cambaconum and Tinnevelly, the number of individuals against whom the charges were declared to be wilfully false and malicious was 2,064; while the number of persons punished for bringing those charges was no more than 136. In the whole Presidency, for petty offences before the police, 51,602 persons were detained for periods running from three days to 60 and upwards, of whom 11,823 were detained above 30 days; and as the number punished altogether was only 45,829, it follows that many were detained who were not offenders. Again, it is to be remarked, that 12,543 persons were detained from three to upwards of 30 days for crimes and misdemeanors, while the provisions of clause 4, section 27, Regulation XI. of 1816, limit the time for inquiry to 48 hours.

74. That these few facts taken from the Report of the Foujdaree Adawlut, sufficiently demonstrate the ill-working of that part of the administration of criminal justice which is entrusted to the police; much of which might be remedied if the magisterial power were taken away from the collectors and their subordinates, who have full employment for all their time and talents, in the performance of their duties connected with the collection of the revenue, and on account of which, as above remarked, they depute so much of their functions connected with the police to the tehsildars; that, although your Petitioners cannot distinctly discover, from the Report of the Foujdaree Adawlut, the individual crimes of the accused parties in the police cases, they are yet perfectly sure that the far greater portion have been made to arise from the demands for the revenue; the tehsildars being able, in their magisterial capacity, to trump up false accusations, and to involve any number of persons in their charges; this circumstance accounts for the number of parties brought up to the police, who were ultimately discharged; for the admitted number of false and malicious charges, for the paucity of punishments affecting the authors of the charges, and for the numerous detentions in violation of the regulations; besides this, the police being all under the collector, and always more attentive to the exaction of the revenue than to the preservation of the lives and property of the people, the natural consequence is, that burglaries, highway and gang robberies, are more or less prevalent in every district, which could not be the case if the police were efficient, and performed its proper duty. Your Petitioners pray, therefore, that this anomalous state of things may be rectified; that the police may be made a separate department, as it was before the regulation of 1816; and that it may be enlarged to the extent necessary for the effective protection of the country.

75. That the "Select Reports of Criminal Cases," determined by the same court, afford abundant instances of the ill-working of that part of the administration which is committed

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to the higher class of criminal judges, of which your Petitioners will briefly quote a few cases. At Masulipatam, at the 3d quarterly session of 1838, a person named Kota Ramudu and fifteen others, were tried for gang robbery and murder, in an attack on the Talook treasury at Ellore, two of whom were convicted and sentenced to 14 years' hard labour in irons; on the case coming before the Foujdaree Adawlut the sentence was changed into transportation for life; subsequently to which further evidence was produced, which the said court considered conclusive as to the innocence of the condemned parties, and orders were given for their release; but in the interval one had died at the place of his transportation, the other was brought back, and, to quote the language of the reports, "a present of money was bestowed upon him by Government by way of compensation for the hardships he had undergone." At Coimbatore, in October 1845, Ramadattan and four others were tried for murder, when the session judge convicted them all, and recommended that they should be severally sentenced to death. In this recommendation the first and third puisne judges of the Foujdaree Adawlut, Mr. Waters and Mr. Boileau, coincided; but the second judge, Mr. Lewin, expressed his conviction that the murder had been perpetrated by two of the witnesses, and proposed that the trial should be laid before the chief judge, Mr. Dickinson, who concurred with Mr. Lewin; when an additional judge, Mr. Thomas, was appointed to go into the case, and he concurring with Mr. Dickinson and Mr. Lewin, the prisoners were acquitted, and the session judge was reproved for not having properly attended to the regulations. In June 1848, Madiga Poturaza Karra Tippadu and two others were tried in Kurnool, before the agent to the Governor of Fort St. George, on the charge of murder. The agent convicted Madiga, and recommended that he should be hanged, and that the second prisoner should give security. The Court of Foujdaree Adawlut considered "the evidence too weak and inconclusive for the conviction of, or even for a requisition of security from, any of the prisoners charged;" acquitted Madiga, directing his unconditional release, and issued orders for the annulment of the requisition of security under which the second prisoner had been placed. After this sentence of acquittal had been passed by the Foujdaree Adawlut, the agent received information that the commission of the murder had been perpetrated by an unsuspected person named Sanjivigadu, who had confessed his guilt, and surrendered himself to the police. The agent of the Governor at this period was Mr. H. D. Phillips, whose eleven years of judicial experience would have hanged three innocent persons, upon evidence insufficient to demand a requisition of security from any one of them. In August 1850, Govind Row was tried at Combatore for murder and robbery. "The session judge, Mr. Roupell, in concurrence with the Mahomedan law officer, considered the evidence to be conclusive as to the prisoner's guilt, and referred the trial for the final judgment of the Foujdaree Adawlut, with a recommendation that he should be sentenced to suffer death." The Court observed that the examination was defective, and that there were discrepancies and omissions in the evidence for the prosecution, which vitiated the proof of several circumstances. They accordingly acquitted the prisoner of the crime charged, but ordered that he should find two securities in 50 rupees (5 *l.*) each, for good behaviour and appearance when required within three years.

76. That your Petitioners restrict themselves to these four cases, because they are desirous not to lengthen their Petition unnecessarily; but they would request the attention of your Right honourable House to the last instance quoted, it having come under the cognizance of Mr. Roupell, the officer whom your Petitioners have mentioned in an earlier paragraph as having been appointed judge at Coimbatore, without having ever done a day's duty as a judicial officer. It is not, therefore, surprising, that his examinations should exhibit discrepancies, defects and omissions, nor that he should be obliged to lean on the Mahomedan law officer for support and guidance, which would have cost the prisoner his life except for the interference of the superior court; when Mr. Phillips could go as far wrong as he, after a duty of eleven years in the judicial department.

77. That these four instances are enough to show the absolute necessity for a change in the judicial system, as regards the appointment of judges holding jurisdiction over the lives and persons of Her Majesty's subjects in this Presidency; and your Petitioners may desire a change in the laws or regulations also, by the introduction of a better code than that of the Mahomedans; by which, to name only one particular, adultery is made a criminal offence, whereas by English and Hindu law it is one of civil action for pecuniary damages. A comprehensive code, published in English, and translated for the information of the public, would do away with the necessity of Muftees or Mahomedan law-officers; while the restriction of judicial employment to a separate class of persons, trained to an acquaintance with it, both by theory and practice, would render the judges at home in their own courts, and instil a confidence among the people which is, and must ever be, wanting in the regulations and judges of the Company as at present constituted.

Public Records.

78. That great inconvenience is continually resulting to the people from the impossibility of getting access to the public records and documents of the various offices, of which your Petitioners will give two or three instances: in the year 1846, the Hindu community forwarded to the Court of Directors, through the local government, a memorial, the receipt of which was acknowledged by the Chief Secretary, with the remark, that the memorialists ought to "refrain from representations touching the proceedings of Government, whilst the facts and official documents which alone contain the true record of these facts are unknown to them;" and when on this intimation an application was made for certain information connected with a second memorial then in course of preparation, the same Chief Secretary replied

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that the application was irregular, and, instead of supplying the information, referred them to the former letter. In the present year the Madras Native Association applied for access to official data, necessary to enable them to draw up this Petition to your Right honourable House, when no notice was vouchsafed to their application; and, lastly, about five months ago, on the 9th July, application was made on behalf of the Memorialists for the second time, requesting to be informed if the orders of the Court of Directors, which the Government had stated, in reply to a previous application, it was then awaiting, in consequence of the Court's despatch not being sufficiently explicit, had been received; and if so, that they might be communicated to the Memorialists: the Chief Secretary ordered it to be recorded, but has given no answer up to the present date. There are also innumerable instances in which natives accused to their superiors of misconduct, are constantly refused copies of office documents by which to establish their defence, and free themselves from false accusations. Your Petitioners therefore request, that parties on making application may be entitled to take or to receive copies of such papers as they may wish to possess for such purposes; as well as that all official papers of general interest may be printed for sale at cost price; by this practice the Government would be considerable gainers, as its acts, and the reasons of them, would thereby be rendered public, together with their attendant circumstances; and they would no longer be subject to misrepresentation and misconstruction, as they are and must continue to be under the operation of the present system of official secrecy.

Education.

79. That your Petitioners will next advert to the state of national education in this Presidency, in the hope that your Right honourable House will take measures for enforcing the obedience of the local government to such future regulations as the wisdom of your Right honourable House may lay down for its guidance in the time to come. Your Petitioners will trace the subject no further backwards than to the year 1826, when Sir Thomas Munro, being Governor, proposed in a Minute, dated 10th March, that the system of native education should receive assistance from the State, which should be small at first, but increasing gradually till it extended to the formation of 40 collectorate schools, and 300 tehsildary schools for the entire Presidency, the estimated expense, when in complete operation, being calculated at *Rs.* 48,000. The Court of Directors, in a despatch dated the 16th April 1828, sanctioned the annual appropriation of *Rs.* 50,000 for this purpose; and immediately on the receipt of this sanction, the proposed plan was put into partial operation, and continued till the year 1834, when the College Board for native instruction declared it a great failure. On this, the Government proposed a modification of the plan, extending the expenditure to *Rs.* 90,000, which, on being referred to the Supreme Government, was disapproved of by that authority, which recommended an effective seminary at Madras, for instruction in English, and provincial English schools, as far as the allowed funds should be available. From this time projects were formed, but not carried into effect, till on the 12th December 1839, the Government deemed it expedient to establish a central collegiate institution at Madras, which was to be self-supporting, by means of public donations and the exaction of fees from the pupils. The institution was opened on the 14th April 1841, when it was publicly stated, that should it "appear to answer its design, and require in its early existence some small pecuniary help at the hands of Government, the School Board would recommend with confidence its interests to the Government;" but no donations being forthcoming, and the number of pupils few, from that period to the present the annual sum of from *Rs.* 25,000 to *Rs.* 30,000, has been regularly granted to the institution.

80. That it will thus be apparent, that, instead of education being shared equally among all the districts of the Presidency, it is confined altogether to the town of Madras, in which a single school, attended by 160 pupils, on the average of its ten years' existence, absorbs more than one-half of the grant awarded for the entire population of 22,000,000, while the other half of the grant has lain useless in the Government treasury ever since the grant was in existence.

81. That while the Presidency of Bombay, with a population of 10,000,000, and instead of yielding a surplus revenue, has a deficiency of 50 lacs of rupees annually, enjoys a grant of a lac and a quarter of rupees, and communicates instruction at 185 schools, frequented by 12,712 pupils, Madras, with her actual surplus revenue of 73 lacs of rupees, and more than twice the population, is stinted to two-fifths of the amount, and by the parsimony and indecision of her local government has been deprived of one-half of even this small allowance, ever since the grant was made by the Court of Directors.

82. That your Petitioners desire from your Right honourable House the increase of this grant proportionately to the number of the population, and the establishment of efficient schools throughout all the districts of the Presidency, their number and location to be totally irrespective of the schools established by the various missionary societies for the purposes of conversion; and, as the English language is at present but very little known in the interior, they desire that the teaching of the vernaculars, instead of being neglected as at the Presidency, shall meet with the attention they so greatly need; and to that end that provision be made for the translation of useful and scientific works from the English, for which special purpose there could be appropriated the eight lacs of rupees now lying in the Government treasury, and being the remaining surplus of the pagoda funds or revenues accruing to the Hindu temples whilst under the management of Government officers.

83. That with reference to the subject of national education, your Petitioners are anxious to bring to the notice of your Right honourable House certain proceedings which are now in train,

train, in order to appropriate part of the educational grant towards the assistance of missionary or convertising operations, as they exist at various stations throughout this Presidency, under the name of a " Grant-in-Aid System," by which it is proposed to extend the pecuniary assistance of Government " to other institutions which are now or can be made the instruments of imparting a sound and liberal education," " whether conducted by missionary bodies or others ;" with which view the Government has issued a circular in the public department to the different collectors, in which each is directed to " furnish the Government with the best and fullest information in your power regarding the educational institutions within your district, whether conducted by private parties, or missionary or other public bodies ;" and has further recorded in Minutes of Consultation, dated 1st November 1852, " The Governor in Council is not of opinion that any Government schools should be set up at stations in the provinces where private missionary or other public seminaries have already been established, and have been found adequate to the instruction of the people. To that opinion he will now add, that he considers it very desirable to extend moderate pecuniary assistance to such schools, as a means of diffusing education on sound and unexceptionable principles, and he proposes that the honourable Court be solicited to entrust the Government with a discretionary power on this point."

84. That your Petitioners would point out for the consideration of your Right honourable House, that this proposed appropriation of the education funds to the support of Christian institutions was rejected by the Court of Directors in a despatch to this Government, dated 24th August 1844, in reply to an official application in behalf of an institution at the Presidency, called " Bishop Corrie's Grammar School," on the ground that it did not come " within the object of the funds set apart for the promotion of native education." There is also on record a letter of the Court of Directors with reference to the introduction of the Bible as a class-book into the schools to be established from those funds, which says, " The provincial schools and the Madras University are intended for the special instruction of Hindoos and Mahomedans in the English language and the sciences of Europe ; we cannot consider it either expedient or prudent to introduce any branch of study which can in any way interfere with the religious feelings and opinions of the people ; all such tendency has been carefully avoided at both the other Presidencies, where native education has been successfully prosecuted. We direct you, therefore, to refrain from any departure from the practice hitherto pursued."

85. That your Petitioners hereupon represent to your Right honourable House, if it be contrary to the intentions for which the educational grant was bestowed, to devote any portion of it in aid of an institution where convertism is neither professed nor practised, as at Bishop Corrie's Grammar School, or to permit the establishment of a Bible class in any of the Government schools, although the attendance at such class was to be left entirely optional with the pupils, it would be a much wider divergence from the object, and a much greater " interference with the religious feelings and opinion of the people," to apply the funds—especially at the discretion of the Madras Government, at all times notorious for its proselyting propensities—in support of missionary institutions, wherein the study of the Bible is not optional, but compulsory, and which are avowedly set on foot and maintained for the single object of convertising the pupils, to whom on that account education is imparted free of charge ; and your Petitioners conceive that the support of such institutions by the Government would be productive of the worst consequences, as it would distinctly identify the ruling authorities with the one grand object of such schools, the proselytism of the natives; the only difference between which and the undisguised practice of convertism in the schools supported solely by the State would amount to this : Government would pay twice the price for a convert of its own direct making, which it would have to pay under the " Grant-in-Aid," to the seminaries of the missionaries ; at the same time it would place itself at the head of all the missionary societies in the Presidency, doubling their pecuniary resources, enabling them to increase the number of their agents, and to extend their convertising operations exactly in proportion to the " discretionary power " with which this Government, in the Minutes above quoted, desires to be entrusted.

86. That your Petitioners cannot avoid remarking, that the desire of the Madras Government with regard to rendering the educational funds committed to its trust subservient to the purposes of proselytism, is of some standing. The Marquess of Tweeddale, while entertaining the proposition of the Council of Education, to adopt the Bible as a class-book, recorded his approbation of the measure, observing, in a Minute dated the 24th August 1846,—" The value of a religious and practical education to fit our countrymen for the various duties of life has been established beyond all doubt ;" and again,—" The reports and complaints so constantly made to Government against the integrity of the native servants are sufficient evidence that something is wanting to ensure a faithful service from them ;" and again,—it " requires a more solid foundation than is to be found in the Hindu or Mahomedan faiths to bear the change which learning operates on the mind of those who are placed by their superior abilities in responsible situations in the employ of Government." And the present Governor in Council, in his Minute approving of the " Grant-in-Aid" to the missionaries, has deemed it expedient to record,—" Although it is perhaps not immediately relevant to the subject of these proceedings, yet, as it is a momentous point in looking at the general question of education to the natives, the Governor in Council is compelled to state, both from observation and sedulous inquiry, that he has arrived at the conclusion that the people of this part of India, at least, have neither by any means had their minds expanded and

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enlarged to the degree that might have been anticipated through the instruction and care that has been bestowed upon them, nor has he seen any sufficient reason to indulge a belief that their innate prejudices have been removed, or even lessened, or their moral character and sense of veracity, integrity, and proper principle improved. He does not deny, but that there may be occasional bright exceptions; but he is of opinion that, whatever system of education may be enforced hereafter, its chief aim ought to be directed to moral improvement, combined with extirpating the foul vices of untruthfulness and dishonesty, which are hardly now held by the great masses to be a reflection, unless discovered."

87. That your Petitioners do not consider this the proper place to remark upon the gratuitous insult offered to their whole community by the Government, in recording such an opinion for the sole purpose of transmission to the governors of the Madras University, one-half of whom, to the number of seven, are natives, under its constitution; but they beg to observe, that it ill becomes the Government to taunt the natives with "the instruction and care that has been bestowed on them," whilst it has for so many years declined disbursing one-half of the educational grant, and contented itself with keeping up a school of 160 pupils, established so far from the town of Madras as to make it inconvenient for persons to send their children, besides charging a school fee beyond the means of payment by the masses; and when, besides this ill-located and over-charging institution, there is not a government school over all the 140,000 square miles comprising the Madras territories.

88. That this sweeping condemnation, if it be justly founded, which your Petitioners are rather loath to believe, seeing that Sir Henry Pottinger has never been known to mix with the natives, except now and then when he may have presided at the annual university examinations, and other such meetings, and with the servants of his household,—exhibit the fallacy of both the past and present Governments, in imagining the study of the Bible to be a panacea for the "vices of untruthfulness and dishonesty;" for, as the whole of the instruction and care bestowed on the natives, beyond that bestowed upon the 160 pupils of the university, has been missionary care and instruction, devoted to the study of the Bible, and that in the proportion of thousands to tens, it must be apparent that the "sound and unexceptionable principles" adverted to in the Minute, have done literally nothing for the "moral improvement" of the pupils into whose minds they have been so sedulously instilled, and therefore there can be no valid reason for extending a "Grant-in-Aid" to institutions which have thus essentially failed; but there is a very strong reason against such aid being given, in order to assist in the conversion of the people, with whose religious feelings and opinions the Court of Directors has so frequently pledged itself not to interfere, and with regard to which the present Charter Act, passed by the Imperial Parliament, enacts and requires, that the Governor-General in Council shall by laws and regulations provide for the protection of the natives within the British territories from insult and outrage in their persons, religions or opinions.

Church Establishment.

89. That your Petitioners, being aware, from several sources, that both the Anglican and Scottish State churches are making great efforts, both in this country and in England, for an increase of clergymen upon their respective establishments in India, respectfully, but most determinately, remonstrate against any increase to either. They admit the propriety of military chaplains for the European troops, but repudiate the injustice of the people of this country being compelled to support a couple of State establishments for a mere handful of foreigners, professors of a foreign creed; and, while they will not object to the number of clergy already in the country, they desire to see them appropriated entirely to the military service, and that whatever augmentation be needed, the requisite funds shall be provided by the individuals by whom such services may be requested. The community to which your Petitioners belong supports its own religion; so do the Mahomedans and the various dissenters from the Church of England at this Presidency; even the Anglicans have commenced to do the same, and justice demands that they should be left as much to themselves as all other sects are; and your Petitioners earnestly pray your Right honourable House that the people of this country may be no further taxed for the maintenance of a number of individuals who are of no earthly use to them; but that their expenses may be borne wholly and solely by those persons to whom their ministrations are necessary and acceptable.

Exorbitant and ill-used Power of the Legislative Council.

90. That your Petitioners would be wanting in their duty towards the entire Hindu community, from one end of India to the other, if they omitted to complain to your Right honourable House respecting the enormous power granted to the Governor-General in Council, and the unjust partiality with which that power has been exercised, in what it has been pleased to term the *Lex Loci*, by which is meant an enactment subverting in one of its most essential and venerated points the Hindu law of inheritance, guaranteed to them on various occasions by the local government and the Court of Directors, and further sanctioned and secured to them by special Act of Parliament, 21 Geo. 3, c. 70, which provides that the "inheritance and succession to lands, rents, goods, &c., shall be determined, in the case of Mahomedans, by the laws and usages of the Mahomedans; and in the case of Gentus, by the laws and usages of Gentus; and where only one of the parties shall be a Mahomedan or Gentu, by the laws and usages of the defendant;" and again, "that all the rights and authorities of fathers of families, and masters of families, according as the same might have been exercised by the Gentu or Mahomedan law, shall be preserved to them respectively within their said families."

91. That

91. That the subversion of the rights thus guaranteed by the Indian and Home authorities, as well as by the Imperial Parliament, was first openly attempted in the year 1845, when an Act, intituled the *Lex Loci*, was drafted, and the draft published for general information on the 25th January; immediately consequent upon which publication, remonstrances from the majority of the three Presidencies were sent up to the Supreme Government, and the Act did not pass into law: between that date and the year 1849, it was discovered that, so far back as the year 1832, there had appeared in the middle of a Bengal Regulation about revenue matters, zillah judges, moonsiffs, ameens, &c., &c., and consisting of 18 sections, a few lines, forming section 9, directing that "in civil suits wherein the parties are of different religious persuasions, the Mahomedan and Hindoo laws shall not be permitted to operate to deprive of property to which, but for the operation of those laws, the parties would be entitled."

92. That this section, with whatever intentions it may have been originally framed, never had more than one instance of practical application during the thirteen years subsequent to the Regulation, viz. in May 1849, after the correspondence on the *Lex Loci* had occasioned the discovery that these sections were in existence; and it was during all the previous time unknown to the bulk of the population, whose attention was first attracted to it by its reproduction in 1849, in order to render it applicable to the whole of India. That in rendering it so applicable, the law member of the legislative council, Mr. Bethune, recorded the following observations: "I have prepared an Act for this purpose, though with some lingering doubt of the justice of the measure. According to Hindoo notions, the right which a son has to succeed to his father's property is commensurate with his obligation to perform his funeral obsequies, from which the outcaste is necessarily excluded. Put the case of property bequeathed in England to a man on certain conditions, which conditions he by his own voluntary act renders himself incapable of performing: what should we say to a law which nevertheless secures the property to him?" Mr. Dick, a Judge of the Sudr Dewany Adawlut, also recorded,—"This Act differs essentially in principle from Regulation VII., 1832, section 9: that did not in any way interfere with the religion of the Hindoos; this does. The law of inheritance of Hindoos is founded on their religion."

93. That, notwithstanding Mr. Bethune's confession of its injustice, and Mr. Dick's remark that the Act proposed was so "essentially" different from the Regulation, the Act was determined upon by the four members of council, Messrs. Bethune, Littler, Currie and Lowis, and passed into law under the declaration that it was merely the extension of the principle of the Regulation from the Presidency of Bengal to all the territories subject to the government of the East India Company, with the concurrence of the Governor-General, Lord Dalhousie, who recorded that he could "see no semblance of interference with the religion of the Hindoos, nor any unauthorized interference with rights secured to them."

94. That the Act thus passed in 1850 has been stretched, even beyond the principle on which it was professedly framed, by Sir William Burton, puisne judge of the Supreme Court of Judicature at this Presidency, in the following instance: a married Hindoo, named Valungypaukum Streenevasa, became the convert of a missionary agent named Symonds, by which act the convert renounced his caste, and thereby forfeited all claim to his former relationship, including that to his wife, to whom by the Hindu law he became virtually dead, and she herself bound to perform his funeral obsequies. The wife, adhering to the faith of her country, refused to associate with him in his new condition, and remained with her own relations for some time, until she was ordered to appear in court under a writ of Habeas Corpus, granted on the application of the said Streenevasa, and served upon the woman's father, by whom the affidavit of the convert stated that she was against her will detained.

95. That the return to this writ was a denial by the father that his daughter was or had been in his custody, and it was supported by an affidavit, that "neither he, nor any one by his order, had ever exercised any constraint over Lutchmee," his daughter. In the meantime, however, Lutchmee had been inveigled to come into court at the persuasion of her father's legal adviser, upon the false assurance that she would be permitted her free option of going to her husband or returning to her relations. She accordingly came forward on being called for, and after counsel had been heard on both sides, Sir William Burton,—having first refused the request of the father's counsel "to ascertain the wishes of the girl,"—proceeded to give an elaborate opinion, concluding with the assertion, that "the Act passed in 1850, in this country has swept away, as to all force in courts of law, that system in India which was equally tyrannical and oppressive," and with this declaration he ordered Lutchmee to be delivered over to the custody of her husband. "This order for the delivery of Lutchmee to her husband,"—your Petitioners quote the words from a printed pamphlet, entitled, "The Case of Lutchmee Ummall," edited and prefaced by Rev. —— Symonds,—"was no sooner made known to her, than she manifested a decided unwillingness to be given over, and on the approach of Streenevasa to take her by the hand, she sharply repulsed him, saying, 'You have nothing to do with me.' At the same time, also, her aunt, by whom she was accompanied, began to utter loud wailing and lamentations, and clung to her niece with a view to prevent her being taken away. Eventually the judge was compelled to direct one of the officers of the court to separate Kunnamal from Lutchmee, and to remove the latter to one of the rooms in the court, where Streenevasa joined her. The scene was altogether most exciting. The wailing of the aunt and the screaming of Lutchmee, as she was being carried out of court, caused painful sensations; added to this, the Brahmins and others present, by their vociferations and gestures, exhibited the rage and displeasure they felt at the

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the decision. For a time the tumult was so great as to wear a threatening aspect; but through the excellent management of the magistrate, Mr. Clarke, and his police, the place was cleared, and Lutchmee was conveyed to Sullivan's Gardens in safety." Sullivan's Gardens, your Petitioners beg to state, are the residence of the converting missionary, into whose carriage, and with whose assistance, she was violently thrust by the officers of the court, and whose prisoner Lutchmee remained till he had converted her, and procured a government situation for her husband, which, being a very common mode of enticement practised by certain of the Company's covenanted officials, was no doubt, among others, an inducement that led Streenevasa to apostatise from the faith of his forefathers.

96. That this compulsory conversion of Lutchmee Ummall, under the auspices of a judge already notorious for carrying his proselyting inclinations to the bench of the Supreme Court, and there acting upon them, proves that, although Lord Dalhousie could see "no semblance of interference with the religion of the Hindoo," when he concurred in passing the Act of 1850, it is, in point of fact, a ready and most powerful instrument of such interference, in the hands of such judges as Sir William Burton, under whose judicial opinion respecting its interpretation, with regard to "rights and property," the convert cannot only claim and seize upon property to which he has no title, except under the law which declares his forfeiture of it; but in all cases of coparceny—cases that more or less exist in every Hindoo family—he can violate and trample upon the rights of his relations, by intruding himself into the pagodas, choultrees and houses, which are family property, claiming the full right to their ingress, occupancy, and the share of their management, and the direct and perpetual interference with all the social and religious privileges of the Hindus, from which he is shut out by the law, under which he obtained them, and to the enjoyment of which, to the annihilation of that law, he is restored by the Act of 1850, as interpreted, laid down, and put in operation by Sir William Burton.

97. That your Petitioners cannot but consider the decision of Sir William as erroneous as it is tyrannical and oppressive; for in a more recent instance at Bombay, wherein a Hindu convert sought to recover his wife by means of a Habeas Corpus, the Chief Justice, Sir Erskine Perry, refused to let it issue, and delivered his reasons in open court, referring at the same time to the decision of the Madras Puisne Judge, as reported in the following sentence: "With reference to the case decided at Madras, his Lordship admitted that it militated very strongly against the principle he had laid down; but, bound as he was to pay every respect to the opinion of Sir William Burton, he (Sir E. Perry) felt it his duty to say that he differed from it entirely. His Lordship had, therefore, no hesitation in refusing the present application."

98. That your Petitioners, feeling themselves highly aggrieved by the practice of Sir William Burton in deciding cases in which missionaries and Hindus are the opposing parties, by his religious feelings, rather than the principle of justice, beg to advert to two of his former decisions; the first of which was passed in the year 1846, in which a Hindu boy, named Ragavaloo, was produced in court, his father asserting that he was not of age according to Hindu law, the missionaries, on the contrary, asserting that he was of age, when the Puisne Justice, not being otherwise able to favour the missionaries, said he should decline resting what was his view of the case upon the mere point of age, and that it was not years, but discretion that was to guide the Court in this matter. He accordingly put a few questions to the lad, one of which was, "Does Christ forgive sins as God or Mediator?" To which the reply was, "As Mediator." After which he observed, "He is choosing good for himself; he is choosing that which he believes will be for his salvation;" and, making his good choice the evidence that he was of age to choose, he delivered the lad into the hands of the missionaries.

99. That the second instance happened in 1847, the child in dispute being a female, named Mooneatha, upon which occasion Sir William Burton, alluding to his former decision in the case of Ragavaloo, acknowledged, that, "had the object of his choice been bad, I should have come to another decision." There was, however, no occasion this time to substitute discretion and a good choice in the place of age, as an affidavit was put into court from two doctors in the Company's service, to this effect,—"We, upon our oaths, say, that we did, at the request and in the presence of the Reverend John Anderson, on the 19th April 1847, examine and inspect the person of Mooneatha, and that we are of opinion that the said Mooneatha is of the age of 12 years, or thereabouts;" with reference to which the Puisne Judge remarked, "We know that there is no circumstance, no temptation, no consideration, no interest, that would lead these gentlemen to deceive this Court. We know what they state, they have seen and do believe;" and accordingly the Court adjudged the possession of the girl,—thus shamelessly and insultingly submitted to examination and inspection by three men, one of them a Christian minister,—to the missionaries, although the fact that she was not of the age of puberty was incontestably proved, from the very circumstance of her being allowed to attend Mr. Anderson's school, Hindu females, after that period, not being permitted to go abroad, unless they are married women.

100. That from these circumstances, as well as others wherein Sir William Burton has expressed himself inimical to the Hindu community, in open court upon the bench, your Petitioners earnestly beg that no more judges affected by a religious bias, which induces them to carry their peculiar creed to the bench of justice, and there to follow its impulses in their decisions of cases brought up for their adjudication, may be appointed, either to

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the Puisne or Chief Justiceship in the Supreme Court at this Presidency; conduct like that to which your Petitioners have been referring being calculated to inflict great misery upon the Hindu community in their social relations, and to create public disturbances, leading to the most mischievous consequences, among a people patient and submissive under every change of government, and roused to the open expression of their feelings only by what they consider to be grossly insulting and cruelly oppressive towards a religion of some thousand years' establishment, and which has been handed down to them as the most sacred deposit from their ancestors.

Subordinate Presidencies.

101. That your Petitioners, as subjects of the Madras Presidency, beg to represent to your Right honourable House the injustice and injury they suffer from the system which places the whole of its resources at the disposal of the Supreme Government, by which the improvement of this portion of India is retarded, and the poverty of the population impoliticly augmented. Not only is the local Government prohibited from disbursing the public revenue raised within it to local purposes, but a large portion of it is so brought upon the general books of the Supreme Government as to depreciate the value of the Presidency as a distinct portion of British India, and to make other portions of it appear more valuable than they really are; and this factitious system of accounts is made a reason with the paramount authority for denying the improvements of which Madras is so deplorably in need, and to which she is most undoubtedly entitled.

102. That, as an instance of this injustice, your Petitioners will explain, that many years ago the sum of 50 lacs of rupees, or 500,000 *l.*, was fixed as the amount which Madras ought to contribute to the general expenses of the Indian empire, over and above her own charges; and from 1821 to the present time it has been the constant practice with the Supreme Government to press retrenchment and economy on this Presidency, and to refuse sanction to expenditure or improvements essential to her advancement, on the plea that her surplus fell short of that required amount; and thus Madras is screwed down to the lowest point, on the false ground that she does not pay her fair quota of revenue, while Bengal, on the reputation of an enormous surplus, is allowed to make disbursements too frequently bordering upon wasteful extravagance.

103. That this different treatment observed towards two component parts of the same empire, even if the case stood as is fallaciously pretended, would be scarcely just, most certainly ungenerous, and singularly impolitic; but if the case be otherwise, the treatment of Madras is not simply unjust and impolitic, but becomes an act of tyrannous oppression; and that the case is otherwise your Petitioners proceed to show. The surplus is counted over the 50 lacs settled as the amount of her own expenditure, which includes the military charges incurred on her own account only; but for a series of years past a large part of these charges has been incurred on account of troops garrisoning countries, the entire revenues of which are paid into the treasuries of Bengal and Bombay, viz., the Sauger and Nurbudda country, Mhow, Nagpore—the subsidiary force, Cuttack and Balasore, Tenasserim coast, the Straits settlements, and Aden, belonging to Bengal; and the southern Maharatta country, belonging to Bombay: the Madras force in all these several districts or stations amounts to four regiments of native cavalry and 16 of infantry, together with one troop of horse artillery and 10½ companies of foot artillery, the charges for which are within a fraction of 80 lacs of rupees, or 800,000 *l.* per annum, which, though defrayed by her, are no part of "her own charges," and amount to 30 lacs over and above the surplus at which her revenue was rated, in order to entitle her to draw upon her own treasury for local "expenditure and improvement;" but, besides this, the official statements, published by order of the Honourable the House of Commons, have given her a credited surplus for several years past, the latest your Petitioners have access to being that of 1849-50, in which it is set down at 43 lacs and upwards, which, added to the 30 lacs arising out of the military expenses incurred on account of Bengal and Bombay, give her for that year no less than 73 lacs beyond her quota towards the general expenditure of the empire, and which, as such, ought to have been at her disposal.

104. That besides this giant injury, there are many others occasioned by the centralization of authority in the Supreme Government. No alteration of salaries, no revision of office establishments, can be made without the previous concurrence of the controlling power, and the difficulties and delays in the way of obtaining this concurrence are such, that the heads of offices will put up with experienced inconveniences, both temporary and permanent, rather than seek so laborious and troublesome a remedy. Instances have been known in which such applications received no notice for nearly two years, and when a reply was again solicited, the answer was a request that copies of the papers might be sent, as the originals were lost. Sometimes it has been proposed by the Madras Government to modify establishments by reduction in one quarter, in order to strengthen another, and the result of the application has been, that the reductions have been sanctioned, and the additions refused. Very recently the engineering officer of the 1st division, Colonel Arthur Cotton, having satisfied himself by local inquiries that reasonable ground existed for believing that the River Godavery might be rendered navigable for 400 miles inland from the sea, applied to the Madras Government for a small sum of money to enable him personally to explore the river in a small steamer he had himself built for the service of the Godavery annicut; but on the sanction of the Supreme Government being requested to an outlay for this purpose, not exceeding 1,000 *l.*, it was refused, because the President in Council did not see what advantage could be gained by this project, although by its accomplishment the culture of cotton in the province of Berar would have been indefinitely extended for the consumption of the Manchester manufacturers, and the grain-producing districts in the

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delta of the river would have found access to markets from which they are now permanently excluded.

Modification of the Councils.

105. That this utter preclusion of all improvement to this Presidency, from the systematic obstructiveness of the Supreme Government, compels your Petitioners to request that in the arrangements of your Right honourable House for the future government of India, the Governor in Council at Madras may be allowed the free use of its functions, necessary for providing for the welfare and prosperity of the people entrusted to its care; and that its construction be modified after the precedent of the neighbouring Crown settlement of Ceylon, where the council is composed of official and non-official members, and, among the latter, natives of this country are included. That your Petitioners would suggest that this council be composed of officials and non-officials in equal number, six or seven of each; the former to be nominated by the Government, on taking their place at the council board in virtue of their office, the Advocate-general being one; and the latter to be selected by the Governor, out of a list of 18 or 21 persons, chosen by the votes of the ratepayers in Madras, and of persons eligible to serve on the grand and petty juries, or in such other manner as your Right honourable House may deem preferable: that as the official members, in conjunction with the casting vote of the Governor when requisite, could always carry any point of absolute importance, there could be no hindrance to the safe working of the suggested plan, while a sufficiency of information on all subjects would be afforded; which, together with the discussions being carried on, as at Ceylon, with open doors, could not fail to be of the utmost utility to the advancement and prosperity of the people and the Presidency.

106. That all minor subjects should be definitively determined by the Governor in Council; but, on all questions of importance, their decisions should be transmitted to the Government of India, there to be again publicly discussed, prior to sanction or rejection; and also that on any minor subject, determined by the casting vote of the Governor, there should be an appeal from the minority to the Supreme Council; and, as your Petitioners are aware that a more economical public expenditure is imperatively necessary, they would propose that the salary of the Governor be fixed at *Rs.* 7,000 per mensem, and that the salaries of all persons composing what is now termed the covenanted service be reduced prospectively, in similar proportion; that the members of council shall draw no salary for that appointment, and that, as is now the case in Ceylon, the holders of official situations shall constitute the service, instead of an appointment by covenant, conveying a claim to be employed by the State exclusively to all others.

107. That, in the deliberate opinion of your Petitioners, legislative councils thus or similarly constituted, and entirely distinct from the executive, are as feasible on this continent as in the neighbouring island of Ceylon; and that their constitution is the great desideratum for the just and efficient government of each presidential division of the vast empire of British India; all general questions of political importance, involving peace and war, and the movements of the military and marine forces consequent thereon, together with the requisite but salutary control of the subordinate councils, being vested in the Supreme Government for all India. That a single council for the whole of India, although constituted on the same popular principle, would never be able to distribute justice and effective government to a hundred and twenty millions of people, spread over an area of upwards of a million and a quarter of square miles, and comprising so great a variety of races and languages; the more distant provinces, as is the case at present, would be neglected and oppressed; while the nearer ones would absorb all its attention, and engross the whole of its indulgence; whereas by granting to each Presidency a local government for the management of its internal affairs, the members of it would watch over the interests of the whole circuit committed to their charge; of which, from their local knowledge, they would be enabled, and from their sympathy would be induced, to seek and pursue the welfare and progressive improvement.

108. That with respect to the Supreme Council, your Petitioners suggest that it should, in some degree at least, partake of the popular element recommended to be embodied in the councils of the Presidencies, which should have their respective interests equally represented by a like number of members, the whole of whom should be allowed a reasonable and respectable salary, they being prohibited from holding any other office in conjunction with that of councillor; and that, besides the presidential representatives, there should be three others appointed from England, who, besides being members of the legislative council, should constitute the executive council, the Governor-General being the president of both; the executive of the subordinate Presidencies consisting of the Governor and the members *ex-officio* to the number of three, in addition to the president.

109. That your Petitioners, knowing from experience the inexpediency of the home administration by a Board of Control and a Court of Directors, from neither of which can the people obtain any redress, nor even the slightest notice of their petitions and memorials, would suggest the desirableness of fusing these two bodies into one, or of substituting another in their place, presided over by a Secretary of State for the Affairs of India, and having its chief secretary appointed by the Crown, so that it may be amenable to Parliament, as any other board or office, its president being a member of the Cabinet, and receiving the same salary as the Chief Secretaries of State in the other departments. That, as regards the members of this council, their qualifications and the mode of their appointments, your Petitioners have no suggestions to offer, beyond that of their having, at least one-half of them, some tangible interest connected with this country, as well as a general knowledge of its condition and requirements, obtained by a personal residence in the country during a specified

specified term of years; the remainder, who have neither of these qualifications, to be recommended by intellectual ability and habits of business.

Employment of the Natives by the State.

110. That, in whatever manner the superior branches of the administration, both at home and abroad, may be modified,—and modified your Petitioners presume they must be, to suit the altered condition of men and things which has taken place in the lapse of the last 20 years,—justice to the masses of the people in general, and towards the more intelligent of them in particular, requires that the hitherto prevalent system of governing the country through the exclusive medium of a covenanted civil service should be, if not wholly, at least partially, abandoned, for the following reasons:

111. That young men under this privilege are sent to India, fresh from school, and without any knowledge of the world, without habits of business, or even the desire and intention to acquire them. Ignorant of the customs and language of the people, they are placed almost immediately on their arrival in India upon large allowances, in the position of assistant collectors and magistrates, and, being on a level with their superiors in office, as component parts of the same exclusive service, they consider their own ease and pleasure as the first advantage to be derived from their new situation, and look upon the zealous and proper discharge of their official functions, in promoting the benefit of the people, with the natural indifference of persons sure of their salaries and immuniti[illegible]y the simple fact of their first appointment from home.

112. That an assistant collector has generally placed under his immediate authority one or more divisions of the collectorate, termed talooks, within which he represents his superior, both as regards the collection of the revenue and the performance of magisterial duties; and, as a matter of unavoidable necessity, he is able to execute his functions solely by the instructions and assistance of the native moonshee or interpreter, without whom he would be utterly incapable of doing any business at all, as the said moonshee is obliged to advise and guide him on every point and occasion, his own functions being confined to deciding according to the dictates of the moonshee, and putting his signature to the different papers prepared by the latter; while, so well is it understood by the superior authority that the assistant is incapable of self-guidance, that his mistakes, when considered important enough for visitation, are furnished by the collector with the dismissal of the moonshee. The lamentable consequences of this ignorance, incapacity and negligence, on the part of each assistant collector, to some 150,000 of the native population, in the delay and denial of justice, and in the commission of injustice and oppression, are too numerous for detail by your Petitioners, and will be readily apprehended by the wisdom of your Right honourable House.

113. That the inefficiency and evils of this system would be most materially remedied if the educated and trained natives, now acting as proxies in the performance of the functions nominally assigned to these young and incompetent civilians, were placed, under their own personal responsibility, according to their fitness and qualifications, in all the subordinate branches of the revenue and judicial lines; and that very many are sufficiently qualified is proved from the facts, that they already perform the duties of such situations in the revenue department; and that in the judicial department, according to the trust reposed in them, they have been found, to say the least, fully equal to their superior European officers, as evidenced in the public testimony borne to their worth and ability by Sir Erskine Perry, late Chief Justice of Bombay, in his address at the Elphinstone Institution in the month of February, in the present year, in the following language: "All the civil business in the Company's courts is conducted, generally speaking, by native judges; they are what the French would call judges of the First Instance, and from their decisions appeals lie to the European judges, from whose judgments again an appeal lies to the Sudr Adawlut. It naturally follows that on these latter appeals a close comparison is made between the decision of the native and European functionary; and I learn from the judges of the Sudr Adawlut that it was publicly stated in open court by the two leading members of the Bombay bar, that, with a few distinguished exceptions, the decisions of the native judges were in every respect superior to those of the Europeans."

114. That the statistics of judicial business conducted in the Bengal Presidency, and printed for public information, also show that in the quantity and quality of the work performed the natives are on a par with the Europeans, and, could the statistics of Madras be come at by your Petitioners, they feel confident that the case would be the same; but, not being able to obtain access to these documents, they will quote the opinion of Mr. John Shepherd, Chairman of the honourable Court of Directors, delivered in a speech to the students at Haileybury, on the 15th of December, last year, as to the general capacity and competency of the natives: "Let me call your attention to the exertions making by the natives of India in the present day. European science and European literature are now studied in India, not only with diligence, but with success. The examinations on those subjects passed by native students show little, if any, inferiority in comparison with Europeans. They have become competitors on our own field of action, and on ground hitherto untrodden by them, and unless you sustain the race with additional zeal and energy, they may pass you. Should this occur—should the natives of India surpass us in intellectual vigour and qualifications, can we hope to remain long in possession of the powers and the privileges we now enjoy?—Certainly not."

115. That on the basis of these facts, and of the twofold admission of Sir Erskine Perry and Mr. John Shepherd, your Petitioners would represent that the natives, having already equalled the Europeans in the race of intellectual attainments, deserve, on the admission of the Chairman of the Court of Directors, to be admitted to some portion, at least, of "the powers and privileges" enjoyed by the young men educated at Haileybury; and upon the same

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same admission they desire the abolition of the college of Haileybury as a useless expense, and an unjust incubus on the finances of India; and that in its place the means of better education may be extended to this country, by the establishment of more complete and more useful institutions, including a fuller course of instruction, open to the natives of the soil, as well as to all who seek employment under Government, or to qualify themselves for the general pursuits of practical life.

116. That Haileybury either imparts a better education than can or would be given in this country, or it does not. If it does not, and it certainly cannot impart the same knowledge of the vernacular languages, the manners and the customs of the people, then the money required for its support is mispent, and thrown away. If it does, then it is manifestly unjust to confine that better education to as mall number of privileged persons, while it is invidiously withheld from the many, equally desirous, equally capable, and equally entitled to its participation, as the necessary means to enable them to avail themselves of section 87 of the Charter Act, which enacts that no native, or natural-born subject of Her Majesty, residing in British India, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office or employment under the Government of the country. And your Petitioners therefore pray, that, whatever institutions shall be deemed requisite to educate persons for accession to Government employ may be established and maintained in India, so that the money derived from the revenues of the country, by which they are supported, may be spent within it; and that those who contribute to the revenue may in this instance enjoy the benefit of its expenditure, together with that advancement in the public service which the Chairman of the Court has pronounced to be the equitable reward of individual merit and acquirements.

Power of the Supreme Courts injuriously controlled by the Acts of the Legislative Council.

117. That your Petitioners would feel the present representation to your Right honourable House essentially deficient, were they to omit all notice of the inefficient condition in which Her Majesty's Supreme Courts of Judicature have been placed by a recent Act of the Legislative Council, styled "An Act for the Protection of Judicial Officers;" by which it is enacted, that no action for wrong or injury shall lie in the supreme court against any person whatsoever exercising a judicial office in the country courts, for any judgment, decree or order of the said courts, nor against any person for any act done by or in virtue of the order of the said courts; and that no judge, magistrate, justice of the peace, collector or other person acting judicially, shall be liable to be sued in any civil court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction; provided that he at the time, in good faith, believe himself to have jurisdiction to do the act complained of.

118. That your Petitioners have always understood that the establishment of Crown courts was intended the more effectually to secure the administration of justice, by checking the irregularities of frequent occurrence in the courts of the Company—an end that was attained so long as the misdoings of the Company's judges were amenable to the supreme courts of judicature at each Presidency; but this Legislative Act, by depriving those courts of the power entrusted to them by the Crown, operates as an encouragement and reward to malpractices and oppression, which are becoming numerous, especially in Bengal, since it passed into Indian law; the only punishment for which, when the wrong-doing is too flagrantly notorious to be openly tolerated, is the removal of the delinquent to a more lucrative situation.

119. That your Petitioners, under these unjust and oppressive circumstances, solicit the protection of your Right honourable House in the revision of this Act of protection for judicial delinquents, and the restoration of their original power to the courts of the Crown; as also that, for the better security of wise and impartial administration in the highest appellate court of the Company, one or other of Her Majesty's Judges may be President or Chief Judge in the court of Sudr Adawlut, in the room of a Company's servant, as is at present the case in the person of the senior member of council.

120. That your Petitioners likewise pray for redress against another enactment of the legislative council, which vests in a single magistrate the powers, formerly shared by two or more, to fine, imprison, and flagellate, at his discretion, as they consider the authority summarily to inflict these punishments is too great to be safely entrusted to one individual, especially as by the Protection Act all redress for injury or wrong inflicted is denied to the sufferer; but even if redress were attainable by instituting a suit in the Supreme Court, as was formerly the case, your Petitioners conceive that a check to the commission of evil is far preferable to the exaction of inadequate retribution after the evil has been perpetrated.

Nominal continuation of the present Charter.

121. That while your Petitioners extremely regret that, owing to want of sufficient time, and to the insufferable difficulty of obtaining access to official documents, they have been unable to exhibit so amply and definitely as they could desire, the vast number of major and minor grievances to which they are subject under the operation of the existing system of government, they earnestly entreat that those which they have thus imperfectly touched upon may meet with the patient consideration of your Right honourable House, as well as that the opportunity may be afforded of substantiating the facts they have submitted before an impartial commission of investigation and inquiry, assembled in India, composed of persons both in and out of public employ, and of Europeans and natives conjointly, chosen partly in Europe and partly in this country, as the sole means by which the real state of these territories, and the true condition of their population can be elicited; and that for the accomplishment of this object, the present Charter of the East India Company may be annually renewed till the investigation is completed.

122. That,

122. That, in conclusion, your Petitioners would respectfully suggest that, whether the government of India be continued in the hands of the East India Company, or otherwise provided for, the new system, whatever it may be, shall be open to alteration and improvement from time to time, as the well-being of the country may require; and that the working of its internal administration may undergo at stated intervals—if practicable, triennially, but quinquennially at the latest—public inquiry and discussion in the Imperial Parliament, in order that the people of this vast and distant empire may have more frequent opportunities of representing whatever grievances they seek to have redressed, and that the local governments may be stimulated to the diligent execution of their functions, under the influence of a constant and efficient supervision of their conduct by the higher authorities at home.

Periodical Discussion of Indian Affairs.

And your Petitioners, as in duty bound, shall ever pray.

(signed) T. Ramatawmy M (*illegible*), Chairman.
M. V. Shunmoogavalloo Moodr.
D. Nagojee Row.
&c. &c. &c.

Madras,
10th December 1852.

PETITION, praying that in case of any Alteration being made in the Government of India, the Right of Choosing the Persons to compose such Body may be granted in such manner as may seem fit, amongst others, to the Holders resident in this Country of the Promissory Notes or Securities of the Government of India, of Retired Servants of the Honourable East India Company, Merchants and others.

To the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled.

The humble Petition of the undersigned, Retired Servants of the Honourable the East India Company, Merchants and others,

Showeth,

That your Petitioners are severally holders of promissory notes of the East India Company, granted from time to time by successive Governments of India, on occasion of raising money on loan for its service.

That your Petitioners have, for the most part, become possessed of such Government promissory notes during the course of a long residence in India, and while such residence has made your Petitioners practically acquainted with its affairs, and has given them a deep interest therein, your Petitioners show that the fact that they are creditors to a large amount of the Government of India, necessarily gives them a great stake in its financial prosperity and in its general well-being.

That much the greater part of the proprietors of East India stock have never resided in India, and are, therefore, for the most part less acquainted with Indian affairs than your Petitioners; and inasmuch as by the last Charter Act the dividends on East India stock are made the first charge on the revenues of India, the proprietors of such stock have by reason thereof only a nominal interest in its government.

That if it be the wisdom of Parliament to commit the Government of India to a body (more or less numerous) having the same or similar functions to those of the present Court of Directors of the East India Company, it is expedient that such body should be chosen by a constituency more extended in its character than the present proprietors of stock of the East India Company, and having a real instead of a nominal stake in the welfare of India, and especially by a constituency more qualified than the present to judge of the qualifications of the candidates.

That your Petitioners further believe that the granting to the holders of promissory notes of the Government of India the right of voting in the choice of Directors, will improve the value of the securities of the Indian Government, and will enable it to borrow money at a more easy rate.

Your Petitioners therefore humbly pray your Right honourable House, that should it be deemed expedient in any future arrangements to be made for the Government of India that such Government should be vested wholly or partially in a body constituted like the present Court of Directors of the East India Company, the right of choosing the persons to compose such body may be granted, in such manner as to the wisdom of Parliament may seem fit, amongst others, to the holders resident in this country of the promissory notes or securities of the Government of India.

(signed) John Morgan, Col. C. B., Madras Establishment.
[And 25 others.]

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PETITION, that the Period of Existence for any future Government of India be limited to Ten Years, of MEMBERS of the BOMBAY ASSOCIATION, and other Native Inhabitants of the PRESIDENCY of BOMBAY.

To the Right Honourable the Lords Spiritual and Temporal of Great Britain and Ireland, in Parliament assembled;

The humble Petition of the MEMBERS of the BOMBAY ASSOCIATION, and other Native Inhabitants of the Presidency of Bombay.

Showeth,

THAT the nature, constitution, and practical working of the Indian Government being now under the consideration of Parliament, your Petitioners beg respectfully to lay before your Honourable House the views which your Petitioners have formed with respect to the existing system of government, and some of the improvements of which it is susceptible.

2. Your Petitioners are fully sensible of, and are glad to acknowledge, the many blessings they enjoy under the British rule; but these they attribute to the British character rather than to the plan of government which it has hitherto been deemed expedient to provide for India, and which, being the result of circumstances and not of design, is but little suited to the present state of the country, and to the fair demands of the people of India.

3. Even the 3d & 4th Will. 4, c. 85, under which India is now governed, intituled, "An Act for effecting an Arrangement with the East India Company, and for the better "Government of His Majesty's Indian Territories, till the 30th day of April 1854," was confessedly a concession of principles, in order thereby to effect the final settlement of complicated questions of property, and to obtain the relinquishment, by the East India Company, of certain exclusive rights of trading secured by Royal Charter; and the correspondence between the Board of Control and the Directors of the East India Company, contained in the 17th volume of the "Papers" (printed in 1833 by order of the Court of Directors) "respecting the negotiation with His Majesty's Ministers on the subject of the East India "Company's Charter," clearly establishes that it was fully understood at that time on both sides that the nature of the arrangements for the future government of India was to remain an open question.

4. The formation, therefore, of a good system of government for the millions of peaceful and loyal British Indian subjects, being now for the first time freed from all antecedent difficulties connected with the acquisitions, rights and position of the East India Company, and resolving itself, as it now does, simply into a question, how can India best be governed? your Petitioners believe that it will be found easy by your honourable House to devise a constitution for India, which, while it shall contain all the good elements of the existing system, shall be less cumbersome, less exclusive, less secret, more directly responsible, and infinitely more efficient and more acceptable to the governed.

5. Your Petitioners need not point out to your honourable House the nature of the Home Government under the present arrangement; but whilst in theory, and doubtless to a very great extent in practice, it consists of a Minister of the Crown, aided by a Court of twenty-four persons, many, though not all, of whom have passed through an Indian career, yet, according to very high authority, the views of the Court of Directors can be put aside by the Minister at pleasure, and the former be forced, in their own names, and as their own act, to issue orders to the local Government to which they are entirely opposed.

6. The Right honourable the Earl of Ellenborough, in the evidence recently given by him before a Committee appointed by the late Parliament to inquire into East Indian affairs, is represented to have stated that he did not know by whom India was in general governed; that it seemed to be so in general by a parcel of clever clerks; that when he, Lord Ellenborough, was chairman, he governed the country himself, and on his own responsibility; and that he did not think of taking counsel with his brother Ministers, or advising with any member of the Court of Directors as to the course to be pursued. The following question was put to Mr. Courtenay, Secretary to the Board of Control from 1812 to 1830, by the Select Committee appointed by Parliament in 1832:—

"Has the existence of these co-ordinate authorities, in their several relations to each "other, tended, in your opinion, to promote the despatch of public business, or otherwise?" His answer was, "To retard it in a most extraordinary degree; and, in retarding it, to "make the whole more unsatisfactory. The length of time that elapses between an "occurrence in India which is the subject of a despatch, and the receipt in India of the "opinions of the home authorities thereupon, is necessarily very considerable under any "circumstances; some not inconsiderable time must be taken up in England in preparing

"an

" an answer to the despatches; but the time is increased in an immense proportion by the " necessity of every despatch going through the two establishments, being in many cases " the subject of lengthened controversy between them."

The inutility and inefficiency of two such clashing authorities as the Court of Directors and the Board of Control, are thus described by Mill in his " History of India :"—

" If the whole power of Government is necessary for the Board of Control, what use is " there for another governing body, without powers? This is to have two governing bodies, " the one real, the other only in show. Of this species of duplication, the effect is to lessen " the chances for good government, increase the chance for bad; to weaken all the motives " for application, honesty and zeal in the body vested with power, and to furnish it with an " ample screen, behind which its love of ease, power, lucre and vengeance may be gratified " more safely at the expense of its trust."

7. It is, moreover, commonly asserted and believed that some of the most important events which have occurred during the existing Government of India, attended with an enormous drain on the revenues of the country, have been ordered by the Board of Control, in opposition to the express wishes of the Court of Directors.

8. Your Petitioners therefore submit that an Indian Council, not placed under a Minister of the Crown, but of which the latter should form the President, and be directly responsible to Parliament, would form a more simple, efficient and responsible Home Government than that now existing.

9. Whether the members of this Board should consist of 12 or 24 persons, by what title they should be designated, how many of them should be nominated by the Crown, and how many elected, and by whom elected, how they should be remunerated, and how and when displaced, are details on which it is quite unnecessary for your Petitioners to offer an opinion to your Honourable House, beyond this, that your Petitioners would suggest that the remuneration attached to a seat at the Board should be such as to secure the services of the most able men of the day; and that, with the exception of the Minister of the Crown, a previous residence in India should be an indispensable qualification for office.

10. Your Petitioners would further suggest, that the elective body should be composed of persons having a real and substantial interest in the good government of the country.

11. With reference to the local Governments, your Petitioners conceive that they are conducted, under the existing system, with a secrecy which, however justifiable and necessary in the early days of the British rule, is not at all called for in the present day; and, on the contrary, is most injurious to the character and best interests of the Government itself, and most unsatisfactory to the governed.

12. Your Petitioners would also point out that the efficiency of the local Governments of Madras and Bombay, under the existing law, is very much impaired, and the despatch of public business considerably retarded, by the necessity for continual reference to the Supreme Government at Calcutta, for its sanction for the most trifling matters; and changes recommended by the local Government, and supported by the authority of its experience, are frequently rejected by the supreme power, with no local knowledge to guide its decisions.

13. That this would be the effect of centralizing all legislative and so much executive power in the Governor-General of India in Council, was foreseen and expressed by the East India Company in a Petition presented by them to your Honourable House in the course of the discussions on the present Charter Act. Their words are as follows: " Your " Petitioners further humbly represent, that the said Bill proposes to effect a serious change " in the constitution of the local Governments in India, which, in the judgment of your " Petitioners, will, if adopted, place an excessive power in the hands of the Governor-" General, and prejudicially diminish the power and influence of the Governments of Madras " and Bombay." The experience of the last 18 years has completely verified the truth of the above prediction.

14. Your Petitioners submit that the cost of administration in India is unnecessarily great, and considerable reductions might be made, without the slightest detriment or injury to any one, save the patrons or expectants of office, by abolishing sinecure offices, and retrenching the exorbitant salaries of many highly-paid offices, whose duties are so trifling, or involve, comparatively, so little labour or responsibility, that they might with advantage be amalgamated with other offices, or remunerated in a manner commensurate with the nature of the duties to be performed.

15. Your Petitioners respectfully submit that the time has arrived when the Natives of India are entitled to a much larger share than they have hitherto had in the administration of the affairs of their country, and that the councils of the local Governments should, in matters of general policy and legislation, be opened, so as to admit of respectable and intelligent natives taking a part in the discussion of matters of general interest to the country, as suggested by Lords Ellenborough, Elphinstone and others.

16. It is often alleged that the Natives are incompetent to fill high situations. Similar objections were raised by the Court of Directors, in 1832, to the appointment of Natives to the offices of Justice of the Peace and Grand Juror, when a Bill relative to such appointments was proposed to be submitted to Parliament by the Right honourable Charles

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Grant, M. P., then President of the Board of Control, and now Lord Glenelg. That eminent statesman, in his correspondence with the Chairman and Deputy Chairman of the East India Company on the above subject, bears the following testimony to the qualifications of Natives for service under Government, in a letter dated 6 March 1832:—"In the pursuits "of private life, as well as in those branches of the public service in which they have "hitherto been permitted to engage, the Natives of India have evinced no deficiency, either "in habits of application to business, or in the skill and acuteness required for its success-"ful prosecution; nor can it be maintained that they are insensible to that stimulus to "exertion which arises from the hope of honourable distinction. Those Natives who are "entrusted with the administration of justice, and the collection of the revenue in the interior, "qualify themselves for those duties by studying the Regulations of the Government under "which they are to act. Why, then, should we anticipate a different result in the case "now under consideration?" The result of the appointment of Natives to the distinction of Justices of the Peace and Grand Jurors, your Petitioners believe they may safely assert, has fully realised the expectations which seem to have been formed regarding the measure by the distinguished statesman from whom it emanated; they have honourably filled their offices, and performed their duties, equally with their European colleagues, with much advantage to the public interests concerned. Sir Erskine Perry also, the Chief Justice of Bombay, when presiding in his capacity of President of the Board of Education, at a public meeting held in the Town-hall of Bombay, on the 9th February 1852, expressed himself as follows, in respect to the administration of justice, as exercised by Native functionaries in the interior of this Presidency:—

"All the civil business in the Company's Courts is in the first stage conducted, speaking "generally, by Native judges; they are what the French would call Judges of the First "Instance, and from their decisions appeals lie to European judges, from whose judgments, "again, an appeal lies to the Sudder Adawlut. It naturally follows that on these latter "appeals a close comparison is made between the decisions of the Native and European "functionary. Now I learn from the Judges of the Sudder Adawlut that it was publicly "stated in open Court by two leading members of the Bombay Bar, that, with a few distin-"guished exceptions, the decisions of the Native judges were in every respect superior to "those of the Europeans."

The above testimony of distinguished individuals, to which might be added many others of a similar character, will, your Petitioners hope, remove any impression which may exist as to the sometimes alleged unfitness of Natives for situations of trust and responsibility in the service of the State. Experience hitherto has shown a result directly opposed to such impressions: and in the present advanced state of the Native mind, compared with what it was when the last discussions on the Charter of the East India Company took place 20 years ago, it is not too much to presume, judging from the past, that the further advancement of Natives to more important offices will be followed by equally favourable results.

A Native judge in the Small Cause Court at Calcutta, and a Native magistrate in the same city, are admitted on all hands to conduct their duties most satisfactorily; but no such appointments have been made in this Presidency, nor, as your Petitioners believe, in Madras.

17. Your Petitioners would further observe, that the 87th section of the 4th & 5th Will. 4, c. 85, which declares that no Native of India or natural-born subject therein, shall be disqualified from office by reason only of religion, place of birth, descent, or colour, has hitherto remained nearly a dead letter; and it is for your Honourable House to make due provisions for the more extensive employment of Natives of India suitably qualified for the Government service, and for their elevation to the highest offices of the State.

18. With respect to the administration of the Government itself, it is, perhaps, unnecessary to remind your Honourable House, that every civil post, of any value or importance, throughout the territories, is filled by a privileged and exclusive service, called the Covenanted Civil Service of the East India Company.

19. Your Petitioners admit that the 103d and five following sections of the 4th & 5th Will. 4, c. 85, contain the outline of provisions adapted to secure an honourable, and, on the whole, efficient body of servants for very many offices under the Indian Government; but although the students of Haileybury College are, by virtue of the above clauses, to undergo examination, the incompetent, as well as the competent, have equally the Parliamentary right "to supply the vacancies in the civil establishments in India."

20. It must be apparent to your honourable House, that the education given at Haileybury College does not, and cannot, qualify a young man to administer the law, civil and criminal, Hindoo and Mahomedan, to a whole district; and yet no provisions exist, either in England or in India, for carrying on the education of the civil servants intended for judicial employment, nor are they required or expected to prepare themselves for the judicial office by any previous study.

21. Once admitted to the service, they rise by seniority, whether industrious or idle, competent or incompetent; and they are transferred from one department to another, without due consideration of their aptitude or previous experience; the Judicial sends its members to the Revenue department, and the Revenue to the Judicial. Unlike the officers of the army, they are practically exempt, except in cases of extreme delinquency, from all fear of punishment for incompetence or misconduct. Regarded as the privileged governors of the country,

country, and claiming all the important offices under Government as of right, the gravest errors are only visited with expostulation, or at most with a removal from one office to another, whilst the local Governments are debarred from availing themselves of European and native talent at hand, simply because the possessor is not one of the privileged order.

22. So long as the present exclusive system of employ shall continue to exist, it is manifest that it will be impossible to secure the greatest efficiency in any one department of the Government; whilst the courts of justice will, as a general rule, be handed over, as at present, to those who have shown themselves the least qualified to collect the revenue of the State. The result of placing judicial power in the hands of those not trained, or by nature qualified to exercise it, is, that in order, as far as possible, to prevent injustice, it is necessary to allow a number of appeals and reviews; and thus, under the system of Mofussil judicature, a final decision in civil suits is often not obtained under ten years, and rarely before three years. Then the litigation in the Company's courts, where a large amount is in dispute, is of the most expensive character, owing to the heavy stamps to which all law proceedings in the Mofussil are subject; and thus, from delay, expense and inefficient judges, the administration of the law in the Company's Courts is altogether of a most unsatisfactory nature; and no department of the Indian Government calls more loudly for reform.

23. Your Petitioners would respectfully suggest, that if a Parliamentary service having a right to exclusive civil employ is to be retained for India, its sphere of office should be confined to the discharge of strictly revenue, financial and political duties; and that the system of seniority and right of promotion, involving, as now in operation, frequent and most inconvenient transfers of officers from one department to another, should be abolished, and that public merit should be the only avowed principle of promotion; and further, that a high standard of qualification should be exacted from all who are appointed to judicial offices in India.

24. Your Petitioners would moreover add, that the Indian Civil Service now costs the Government 3,500,000*l.* sterling, each officer receiving on an average 1,750*l.* per annum, from youths just arrived in India to the highest grade. These salaries are adequate to command the very highest political, financial and judicial talent, and impose on the Government the moral obligation of providing the best servants for the Indian Government.

25. But your Petitioners submit that the salaries paid to the Indian Civil servants are excessive. Your Petitioners see it stated before the Select Committee of the House of Commons, that the public service is most ably conducted by members of the Native Uncovenanted Branch, at a mere fraction of the charge of Covenanted servants; that a much greater number of Natives ought to be employed than at present, the general conduct of Native officials being most exemplary.

26. There are numerous offices under the Government, the Post-office for example, in which the head of the department must necessarily be to a great extent inefficient, from want of training for the discharge of his duties, and dependent therefore on his subordinates. They are held for some transient period, so that there is little inducement for the most conscientious men to study the duties of the office. Within the last ten years there have been eight different Postmasters at this Presidency, drawing between 2,000*l.* and 3,000*l.* a year, while the work has been chiefly performed by a deputy receiving 700*l.* per annum; and the Post-office as a system is believed to be infinitely below what it would have been had a qualified person been sent out from England to take permanent charge of it.

27. Your Petitioners, whilst on this subject, cannot forbear calling the attention of your Honourable House to the opinions of the East Indian Company on the best means of providing good servants for the Indian Government, as expressed in the Petition presented by them to Parliament in 1833, and which, your Petitioners submit, deserve great consideration:—

"Throughout the correspondence which has passed with His Majesty's Ministers, your "Petitioners have declared upon this point that the arrangement which shall not effectually "provide the means of giving Government servants to the Indian Empire, is that which shall "assuredly meet the views of the Court, whatever its effects may be on their patronage: and "it is because your Petitioners are deliberately convinced that efficiency will be more likely "to be obtained in a general system of education, brought to the standard of a high test "of examination, than in any exclusive system, that the Court confidently ask your Honour-"able House to abolish the College."

28. Your Petitioners now beg to represent to your Honourable House, the extreme deficiency of the means of internal communication in this Presidency; that this want discourages increase of production, by shutting out the producers from any remunerative market, and prevents, in periods of distress, the scarcity of one district being mitigated by the plenty in another. Instances are recorded wherein the supplies designed to relieve famine in a district were, in the course of transit, consumed before they reached their destination. Were this obstruction to the industry and resources of the country taken off, by the construction of railways, roads, piers, wharves and other useful works, large tracts of land now lying waste, more particularly in the cotton districts, would be put under cultivation, and the supply of this most important article of export to Great Britain would be increased at least tenfold. Your Petitioners beg leave to quote, in corroboration, a passage from a

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Memorial addressed by the leading Merchants and Bankers of Bombay to the present Governor-General of India in 1850 :—

" So miserably inadequate are the means of communication in the interior, that many " valuable articles of produce are, for want of carriage and a market, often left to perish " in the field, while the cost of those which do find their way to this port is enormously " enhanced, to the extent, sometimes, of 200 per cent.; considerable quantities never " reach their destination at all, and the quality of the remainder is almost universally " deteriorated."

Several able letters, addressed to the Editor of the London " Times," in November and December 1850, and again in September 1851, by a distinguished Engineer Officer of the Bombay army, clearly point out the deficiency of the present means of communication in the interior, and particularly in Gujarat, and to which your Petitioners would solicit the earnest consideration of your Honourable House.

29. Your Petitioners suggest that five per cent. of the amount of land revenue should be annually expended in the district whence it is levied, in making roads, bridges, tanks and other works of similar utility. All such expenditure would be speedily repaid in the increased revenue arising from the impulse given to production, by opening up new markets for the sale of produce. Your Petitioners observe that this most important recommendation has been made repeatedly to the local and Supreme Governments here by some of its most eminent and experienced officers, but they have learnt, with deep regret, that it has been as frequently set aside by the Home Authorities.

30. Your Petitioners would further observe, that the Government grant of 12,500 *l.* for educational purposes, is quite inadequate to the wants of this Presidency, with its population of upwards of 10,000,000, and yielding a net land revenue of 1,028,285 *l.* Your Petitioners beg to draw the special attention of your Honourable House to this subject, and believe that all the reforms and all the improvements sought for, or in the power of your Honourable House to make, are but secondary in importance compared with the necessity of introducing a complete system of education for the masses of the people. That such expenditure would eventually increase the revenues of the country, both by teaching the people new and better modes of production, as well as habits of economy and prudence, cannot be doubted; and your Petitioners would suggest the propriety of establishing in each Presidency an University, after Mr. Cameron's plan, for the purpose of qualifying persons to practise in the various professions, and rendering them eligible for Government employment.

31. Your Petitioners, therefore, humbly pray your Honourable House to embody in any measure of legislation which may come before you for the future government of India, the principles hereinbefore set forth; and that your Honourable House will not rest content, but adjourn the final settlement of the plan of the Indian Government until all available information from trustworthy, competent, and disinterested sources has been laid before you; and your Petitioners venture to hope that your Honourable House will limit the period of existence for any future Government of India to 10 years, in order that the interests of so many millions of British subjects may be more frequently brought under the consideration of Parliament.

And your Petitioners, as in duty bound, will ever pray.

Bombay,
28th October 1852.

(Signed by 106 Natives.)

PETITION, praying for Inquiry into the Renewal of the Act for the GOVERNMENT of INDIAN TERRITORIES, and for AMELIORATIONS and REFORMS, of British and other Christian Inhabitants of CALCUTTA, and the neighbouring Parts, in the Lower Provinces of BENGAL.

To the Right Honourable the Lords Spiritual and Temporal, of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the undersigned British and other Christian Inhabitants of Calcutta, and the neighbouring Parts, in the Lower Provinces of Bengal;

Humbly showeth,

1. THAT your Petitioners feel themselves called upon, by the approaching period for the renewal of arrangements for the future government of India, to convey to your Honourable House some expression of their opinion with reference to those arrangements.

OBJECTS OF THE LAST CHARTER ACT NOT CARRIED OUT.

That your Petitioners advert with satisfaction to the provisions of the last Charter Act, especially when read in connexion with the historical evidence of the intentions and objects of Parliament; that reading the Charter Act by this light, a distinction palpably arises between those objects which were completely established by the Act of Parliament, such, for example, as the abolition of the trading powers of the East India Company, and those which, for any reason, were left to the good faith of the Government to realize. With respect to the latter class, your Petitioners beg to express very great disappointment, for although the Government was furnished by the Charter Act with new powers and machinery to accomplish what then appeared, and whatever in future might appear desirable, many of the intentions of Parliament remain neglected: thus, for example, no means have been taken to form for India a properly qualified body of judges, or to open the judicial service to qualified persons, though the want was demonstrated by a large body of evidence before Committees of the Houses of Parliament. The criminal laws of the East India Company's courts, in their application to natives, were condemned fifteen years ago by the Indian Law Commission, which was appointed, under a direction in the Charter Act, to inquire into the state of the laws; but the criminal laws remain for the most part unchanged. In a spirit generally deemed as impolitic as illiberal, the Government has repeatedly proposed to bring British people under these laws, though so declared unjust towards the natives who were accustomed to them. The want, in the East India Company's courts of law, adapted to the requirements of trade and commerce is well known; the English law could furnish an equitable commercial code; but English law is excluded from these courts, and no other rational system has been enjoined upon or adopted by them, although the Charter Act expressly directs the preparation of laws adapted to all classes of the public. The great want in the courts of the East India Company of a body of laws, both civil and criminal, for the East Indians, to whom as Christians the native laws were not justly applicable, was specially brought under the consideration of Parliament, and the peculiar hardship of the case drew forth the sympathy of several eminent men. Practical relief has been proposed to Government by the Indian Law Commission, under the name of a Lex Loci Act, but relief has not been given. Parliament abolished all disabilities for office or public employment by reason of race, creed, colour or origin; but distinctions are maintained in administration between previously excluded classes and the privileged classes, which place the former in a state of official and social degradation. The state of the police is as bad as before the last Charter Act, and it is no protection to the people: other instances might be given, and hence your Petitioners express their disappointment, and have again to bring these subjects, together with others, under the consideration of Parliament.

STATE OF THE LAW AND COURTS; SUBJECT DIVIDED.

2. That your Petitioners first beg to bring under the consideration of your Honourable House the state of the law; and in connexion with this, the state of the courts of justice, as respects both their executive and judicial functions. On a moment's reflection the close connexion of these subjects is apparent: if a bad state of the law be supposed, it is impossible to conclude otherwise than that ill effects must result, though the judiciary body were meritorious; and equally clear is it that good laws must in a degree fail, if the judges are deficient in knowledge, skill, honesty or other proper judiciary qualifications; and good

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laws and good judges together must always depend, in a considerable degree, for practical success on the character of the executive officers and establishments; the necessity therefore is apparent of keeping all these subjects in view together, or as parts of one whole.

LAW OF THE SUPREME COURT.

With respect to the law, it will be necessary to distinguish what it is in Calcutta and the Supreme Court, from what it is in the country beyond, and courts of the East India Company. In the Supreme Court, three different codes of law are established, English law for British subjects, and Hindoo and Mahometan law for Hindoos and Mahometans on civil matters; but English criminal law for all classes, natives, British and foreigners, who are inhabitants of Calcutta; and for nearly 80 years these different codes have been administered by this one court, generally with satisfaction to these different races, thereby establishing the important fact, that judges practically qualified in English law become qualified for the native system of law, to which they are originally strangers, and presenting, as will hereafter appear, a striking contrast to the East India Company's judges; and although it may be admitted that the Supreme Court has an extent of jurisdiction geographically inconvenient, the remark has no application to the law of the court; but the blame rests with the Government, which has done nothing towards supplying other courts, or making the East India Company's courts competent to take part of the jurisdiction of the Supreme Court as respects British subjects.

LAW OF THE EAST INDIA COMPANY'S COURTS.

That the law in the East India Company's courts is on matters of succession, inheritance, marriage, caste, and religious usages and institutions, the Hindoo and Mahometan law for Hindoos and Mahometans respectively, with the addition of a body of regulations and acts chiefly relating to procedure and revenue, and in which is prescribed this general rule as to all other matters, namely, that the courts shall decide according to justice, equity and good conscience, in cases not provided for by the said regulations and acts; but the regulation which prescribes this rule is not accompanied by a code of equity, nor any maxims or principles, but has left it to the courts to work out a system of equitable jurisprudence, which, after 60 years, they have not done, nor begun to do; and to the present day, the supplementary provision for equity remains a barren verbal rule, which may confidently be described as having no effect beyond that of giving the judges of all degrees and castes, Hindoos, Mahometans and English, a discretion which they are incapable of wisely exercising, and thereby rendering all rights and the result of all litigation in these courts extremely uncertain. The cases to which this remark applies are all cases on contracts of all kinds, including sale, hiring, partnership, and in short all business arising out of commerce and dealing in which British people and interests are concerned. That the laws above mentioned are the only civil laws administered in the courts of the East India Company, and thus it clearly appears that the civil law administered in those courts is most defective.

PROCEDURE OF THE EAST INDIA COMPANY'S COURTS.

That the law of procedure is in as unsatisfactory a state as the other parts of the law. From repeated and numberless alterations, and the peculiar form of many of them, the code itself is obscure, confused, and of uncertain meaning. That by practice and construction it has acquired a highly technical character, as is evident from the printed decisions of the courts, and the very large proportion of cases on questions of form. In the courts of every degree, suits of all kinds, and all amounts (except where the revenue is directly or indirectly concerned), are conducted by means of written pleadings, consisting of a plaint, answer, replication and rejoinder, and no security is taken for truth in pleading. At each step time is necessarily given to the adverse party, and a decision may be followed by two, and in some cases by three appeals. The procedure, therefore, is slow and dilatory. That your Petitioners, having now experience of both systems, can confidently state that the reformed procedure of English law is more simple and expeditious, and more conducive, by its greater variety of resources, to the ends of substantive justice.

That the appeals (already alluded to) are permitted to an extent unparalleled in any other system of law, on the ground avowedly of distrust of the courts. That formerly the petty courts of moonsiffs and sudder ameens were partially excepted from this system; but by a recent Act it has been extended to them, and, consequently, the petty dealer who may have to sue a poor ryot for 5 s. must not only sue by a written petition or plaint, but may have his suit dismissed, after two months, for want of a replication; and a decision, either for plaintiff or defendant, may be followed by two appeals; and thus it appears that the East India Company have no courts analogous to the Court of Small Causes in Calcutta, or to the County Courts in England, with a partial exception as above, where the revenue is supposed to be concerned.

That evidence in all the courts is required to be taken in writing, which leads to the practice of its being taken by a native clerk often out of hearing of the judge, who may be engaged in other business, and decides on the evidence thus taken on reading it, or its being read to him; but the officers are notorious for tampering with the evidence; and those

who

who are personally acquainted with the country very generally complain of abuses, and condemn this mode of taking evidence.

That, in connexion with this subject, the legal agency established in the courts should be mentioned, as aggravating all the faults of the system. It is carried on by means of persons called, according to their different branches of the business, mooktears (managers), vakeels (attorneys), and pleaders; a body of men generally (in the Inferior Courts) belonging to the dregs of native society, who are notorious for the most wicked practices which can be used in their business, a pest to the courts, and a cause of the corruption of the people to whom they minister.

STAMP DUTIES.

That, to the evils already enumerated, your Petitioners have to add a heavy taxation on all law proceedings by means of the obligation of using stamped paper, which rises, in a series of duties, in all regular actions, from 2 *s.* to 200 *l.* on plaints or petitions alone, and admits of no exceptions, even for the smallest debt or demand, and waylays the suitors at every subsequent step, and obliges the judge to stop his speech, or that of his pleader, with the question, "Where is your stamped paper?" and will not permit the reception of the evidence of a witness until after an application on stamped paper of 2 *s.* or 4 *s.* each; and, if the proof consists of a series of letters, imposes on each letter a stamp of 2 *s.*; and an error in a stamp is often irremediable, and the constant cause of nonsuits and other failures of justice. That the stamp duties are still more vexatious and impolitic in criminal proceedings. That your Petitioners represent these details to show that the system is not less oppressive than that of the taxes on law abolished in England at the united call of justice, humanity, and all general reasons.

COURTS OF THE EAST INDIA COMPANY'S NATIVE JUDGES.

As respects the courts of the East India Company, the Civil Courts, having an original jurisdiction, differ so widely from those having only an appellate jurisdiction, that it is necessary to premise this distinction between them.

That before the last Charter Act, the natives had been entirely removed from civil judicature (except as to debts of 5 *l.*), on account of their universal corruption. Since the last Charter Act, they have been restored to, and are almost in exclusive possession of all original jurisdiction. The judges having original jurisdiction are of three grades: (1.) Moonsiffs (dispensers of justice); (2.) Sudder Ameens (chief commissioners); and, (3.) Principal Sudder Ameens. The jurisdiction of the first class extending to 30 *l.*, of the second to 100 *l.*, and of the third to all amounts beyond; and, in amount, many suits are not surpassed in the Courts of Equity or Law in Westminster Hall. The moonsiffs, sudder ameens and principal sudder ameens, in the Lower Provinces, consist of about 320 persons, of whom there are, at present, not more than one-fifteenth of Christian denomination. That the natives first appointed to those offices on the change of system were, for the most part, the officers (amlahs) of the existing courts, a body of persons notorious for corruption; and, their salary being small, the practice of corruption for several years, if not to the present time, prevailed probably to nearly an equal extent, though in a different form, as in Mahometan times, when the salary was a mere honorarium or retaining fee, and the real reward was in the wages of corruption. It is notorious that, after holding office for a few years, large estates or fortunes were amassed by many of them, and others lived in the display of affluence.

That the salaries of these classes, though slightly raised, are in no fair proportion to the importance of their offices and jurisdiction. The moonsiffs receive 120 *l.*, and a few 180 *l.* per annum; the sudder ameens 250 *l.* per annum, and the principal sudder ameens 480 *l.*, and a few, after long service, 700 *l.* per annum. Such salaries indicate a low appreciation on the part of the Government of the judicial office, as well as of the personal status of the officials themselves; and in fact they do generally belong to an inferior grade of native society, and are without any proper legal knowledge or professional training, for it is impossible to regard as such the little knowledge requisite to pass an examination.

That your Petitioners are fully sensible of the difficulty of establishing charges of corruption, and they make them with reluctance; but the proof, recognition or acknowledgment of the fact must precede an attempt to remove or correct the evil. As some corroboration, your Petitioners beg to state, that corrupt practices were charged against these courts in a memorial to the Bengal Government within the last eighteen months, which was signed by a very respectable body of British and other Christian inhabitants of different parts of the Lower Provinces, including some Calcutta firms largely interested in silk and indigo, and other mofussil concerns; that the means taken by the Government to ascertain the truth of the complaint were, as your Petitioners are informed, the requisition of a report on the subject from the civil service judges, and the conclusion was, not the exculpation of the courts, but a general report that they were improved.

That the Government has ever lent an unwilling ear to representations of this kind, and has taken utterly futile means of effecting a reformation. Small remedies of a topical kind manifestly must fail. One of the latest may be cited as an example of the spirit in which the Government has dealt with the enormous evil. As an inducement to merit, and to counteract the force of temptation, Government has within a few years made it a rule to fill up the higher grade of principal sudder ameen from the lower grades by promotion. The bright motive and reward thus held out to purity is just one chance for one out of from six to eight

 persons,

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persons, and of promotion from 180*l.* or 300*l.* to 480*l.* per annum, and which chance can occur only once in 10 or 12 years, there being but one principal sudder ameen in each zillah, and from six to eight moonsiffs and one sudder ameen; and it may be added, that if this could possibly avail in a small degree, it has a counterbalancing evil, namely, of confining the important office of principal sudder ameen to the class of persons who can accept, in the first instance, a very inferior office, and a salary of 120*l.* per annum, and, presumably, therefore, the rule of promotion excludes all persons qualified by legal and general education. It is obvious, also, that it leaves the principal sudder ameen without any inducement, although the higher office of a judge of appeal might have been opened to this class, and, presumably, it is better qualified for an appellate jurisdiction than the class of civil service judges, who, under existing arrangements, have no original jurisdiction, and whose training and experience do not qualify them to correct the inferior civil tribunals.

That your Petitioners deprecate being supposed to impute to natives any want of capacity to acquire the proper legal qualifications, or to rise to a proper standard of morals, but they describe what they believe to be the state of facts at present.

CIVIL SERVICE JUDGES.

The appellate jurisdiction in civil cases has next to be described. It is almost exclusively exercised by the civil service judges, of whom there is one in each zillah, who is chiefly a criminal judge (called, in the latter capacity, sessions judge), but also a civil judge for appeals up to 500*l.*, beyond which sum the appeal lies to a court (the Sudder Dewanny Adawlut), composed of five civil service judges. These five judges together receive in salary a sum exceeding the aggregate salaries of all the moonsiffs in the Lower Provinces; and, added to the zillah judges, the entire body consists of 37 persons, who received 120,000*l.* in the year in which the salaries of moonsiffs, sudder ameens and principal sudder ameens amounted only to 55,000*l.*, a striking contrast of the care with which this class has been guarded at one of the avenues of temptation; and your Petitioners readily admit their general abstinence from the practice of corruption of every kind, but more than this negative praise cannot be awarded to them; and your Petitioners confidently represent, that their administration of justice is the subject of universal complaint and dissatisfaction, and which are founded, as your Petitioners believe, on experience of their want of proper qualifications, and the bad quality of their decisions. And although it would be impossible to justify this opinion in detail in a petition, the few following facts may be mentioned; namely, that they come to India and are appointed to the judicial office without professional qualifications; that, for 60 years, they have been in exclusive possession of the whole, or some important part, of the administration of justice, and yet have furnished the inferior courts with no body of general rules or principles; that, though required to follow equity, they have built up no system of equitable jurisprudence, but the inferior courts still possess only the barren verbal rule expressed in the regulations; that, by "Circular Orders" and "Constructions" the sudder courts have prescribed rules, and legislated somewhat as the Emperors did by their rescripts, but these "Orders" and "Constructions" are among the worst parts of the law, and have increased its uncertainty and the difficulties of all the inferior judges; and lastly, that for some years the decisions of these courts have been printed, and form a considerable body, but they are obscure and uninstructive: by all these circumstances (and others might be adduced) may be proved, that the civil service judges want the proper qualifications for judges, and the public dissatisfaction be justified.

OPINIONS OF BRITISH INHABITANTS.

That, in consequence of this state of the law in the courts of the East India Company, and of the courts themselves, the British inhabitants offered a strong opposition to the Act passed in 1836, and which has been followed by others, for bringing them under the civil jurisdiction of those courts; but, to reconcile them to it, the public was assured by the organs of Government that the law and courts would be improved, if from no other cause, from the necessity of conforming to a more certain and higher standard of right, in order to satisfy British suitors; but this assurance has not been fulfilled, and the bad state of the law and the courts of the East India Company forms one great disadvantage, against which British enterprise and character has to struggle in India.

THE CRIMINAL LAW.

That the criminal law of the East India Company's courts is fundamentally Mahometan, as much a foreign law, therefore, as the English in relation to the Hindu part, which is a great majority of the population: that, with respect to Hindus, and others not of the Mahometan faith, the opinion (futwa) of the Mahometan law officer, who is in the nature of an assessor attached to every criminal court, may be dispensed with, and some difference may, on the requisition of the parties accused, be made in the mode of trial of persons not Mahometans, all which are equitable modifications of pure Mahometan law, so far as they go; but they leave the foundations of the system Mahometan; and the chief effect, as your Petitioners believe, of permitting the judge to decide without the Mahometan law officer is not to introduce a different system of law, but to place persons accused (when they avail of the privilege) more at the judge's discretion: that such a state of the criminal law would be intolerable

intolerable to British people, and therefore they have always resisted, and still protest against, its extension to them; that, accordingly, your Petitioners pray your Honourable House to take their case in this respect into special consideration, and to provide that English criminal law, divested in a great degree as it is now of technicalities of procedure, shall be universally administered to them, and to all persons of Christian denomination or faith, whether British, East Indian or foreign, with such modifications only of procedure as may be passed by the Governor-general of India in Council, with the previous assent of Her Majesty in Council.

THE POLICE.

That the police of the Lower Provinces totally fails as respects its proper purposes, the prevention of crime, apprehension of offenders, and protection of life and property; but it is become an engine of oppression, and a great cause of the corruption of the people. That your Petitioners desire to state a few facts in connexion with these propositions. The Lower Provinces, concerning whose police your Petitioners are now speaking, are divided into 32 counties (zillahs), and contain an estimated population of 30,000,000, and comprise an area larger than France. The proper police force in these counties consist of superintendents (darogahs); serjeants (jemadars), and constables (burkendauzes), amounting in the whole to 10,000 or 11,000 persons, and to these have to be added the village watchmen, who are paid by the villages, and not by the Government, and are so rarely known to prevent a theft or other crime, or to apprehend the criminal, that they must count for very little in an honest appreciation of the general system. That these numbers are insufficient with reference to the existing state of the population of Bengal, and that in the present state of crime, an exclusively native police, however numerous, can hardly be made sufficient.

That a native police, as this exclusively is, requires constant and close superintendence, and power of superintendence is given to the magistrates, but, from a variety of causes, no effective superintendence is or can be exercised by them; among these causes may be mentioned: (1.) The paucity of magistrates, for which no remedy appears practicable so long as the exclusive privileges of the civil service are upheld; (2.) The size of their districts; there is one magistrate and an "assistant," or pupil of the civil service, and a deputy magistrate to a zillah, the zillah being, perhaps, as large as Yorkshire, or of an area of 6,000 or 7,000 square miles, and containing a population of 1,000,000; and, (3.) The judicial duties of the magistrate, which are alone sufficient to occupy all his time, are, by their nature, incompatible with the activity and locomotion required for superintendence. It may, therefore, safely be affirmed, that effective superintendence over the native police there is and can be none, under the existing institutions.

That your Petitioners will make a brief statement in illustration of the practical bearing of the existing system on the condition of the people: that in case of the apprehension of an offender, and in order to prosecute him, it is necessary for the injured party, and his witnesses, to go before the magistrate, but this may be a journey of from 15 or less, to 50 miles or more, in consequence of the extent of his district, and when arrived at the magistrate's office, he may be detained days or weeks, from a variety of causes; that, in fact, a magistrate's compound in the Lower Provinces often presents the spectacle of hundreds of persons thus kept in detention for weeks, and if the offence is of a grave character, or beyond the jurisdiction of a magistrate, he and his witnesses may be required to take a second journey of the same distance to the sessions, and be there detained days or weeks waiting for a trial at the sessions; also hundreds of persons are constantly detained at great distances from their homes. That, to avoid these inconveniences, the population render little or no aid to the police for the enforcement of the law, but, on the contrary, they are generally averse to do so, and hence has arisen a practice which is a great reproach to the police system, namely, that witnesses generally, and prosecutors often, are made prisoners, kept under arrest, and sent to the magistrate, and afterwards to the sessions, in actual custody. That from this state of the law and police result the following among other evils: persons robbed deny the fact of a robbery, or if they complain, the persons who could be witnesses deny all knowledge of it, the immediate interests of these classes being arrayed, by reason of the state of the law and jurisdictions, against the objects of law and justice. Often, under these circumstances, the native policeman, to do his duty, employs the means of terror; and torture is believed to be extensively practised on persons under accusation, and the injured party, for not assisting him, becomes an offender. All the evil passions are thus brought into play, and ingenuities of all kinds, both by people and police, are resorted to. Another result is the constant device of proving a true case by witnesses who know nothing about the matter. Justice is supposed thus to be satisfied, but convenient perjury becomes familiar, and perjury loses its criminal character among the people. Thus, and in a thousand other ways, the law and police operate to corrupt the people, and spread corruption. Moreover, the very circumstances which repel the honest attract those who have revenge to gratify, rivals to injure, enemies to destroy, and for these and other dishonest purposes the police and criminal courts are resorted to; and police and law, under the present system, are terrible evils.

That a further aggravation of evil results from some powers possessed by the native police, which practically are magisterial, such as the power of receiving confessions, and in all cases of taking (though not on oath) the deposition of witnesses, which powers are exercised by the serjeant (jemadar) in the absence of his immediate superior (the darogah), and thereby practically the course of criminal justice takes its direction from them, and thus the police control the magistrate's functions, instead of his superintending and controlling the police.

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THE CIVIL SERVICE.

That among the subjects on which evidence was taken by the Committee of the House of Commons previously to the renewal of the last Charter Act, one was the education given at Haileybury, and the means existing in India of completing it before the cadets of the Civil Service chiefly appointed from that institution entered on their public duties. That a deficiency of qualifications was proved, and a plan was adopted by Parliament and embodied in the Charter Act which preserved Haileybury, but according to which only one-fourth of the candidates in the Haileybury college were to receive appointments, which plan would probably, as intended, have secured the following objects; (1.) The suppression of what was proved to be an abuse, of making every nomination of Haileybury virtually an appointment to a highly privileged and important branch of the Indian service: (2.) The exclusion of the unworthy, for which, as proved particularly by the learned professor, Mr. Empson, some provision was necessary; and, (3.) Competition among the candidates under such conditions as should secure the eventual preference to merit, and raise the average and standard of it. That this plan incidentally reduced the value of the nominations to Haileybury, and before it could come into practical operation it was repealed by statute, and with it all security ceased for the desired objects, no other plan having been substituted. That the qualifications of the cadets of the Civil Service are no better in the present day, and there is reason to believe, from historical evidence, that the service produces a smaller proportion of distinguished excellence than formerly; that in every kind of office superiority is given indiscriminately to this portion of the service, and virtually it has the unity, strength and narrow interests of a close corporation, though not legally constituted as such; for example, two, and sometimes three members of the Supreme Council, all the secretaries and under secretaries of the Supreme and Local Governments in the civil departments, all the members of all the civil boards, and their secretaries and under secretaries, all the judges of appeal, both in the metropolitan and zillah courts, all the commissioners of revenue, all the collectors, all the magistrates, and (everywhere) all the heads of office, as at the Treasury and in various miscellaneous offices, are exclusively of the so-called Civil Service. That this monopoly of high office is highly prejudicial to the public interests, and exceedingly unjust towards other public servants who are universally subordinated to this privileged service, and who, by no recommendation of qualification, or merit, or length of service, can rise from official insignificance to the privileged order, though their duties and offices are often the same, only with different names, and usually of equal importance. The principal sudder ameen, for example, whose duties have been already described, can never rise to the grade of a (so-called) civil or sessions judge, nor the deputy magistrate to be a magistrate, though he may have the full powers of the latter; nor the deputy collector to be a collector; nor is this the only injustice. The salaries of the Uncovenanted Service are in no fair proportion to those of the Civil Service, as is exemplified by the comparison already made between the salaries of the covenanted and uncovenanted judges; and, as it must be added, is the fact as respects all other offices; a deputy magistrate, for example, of the first grade, one who has been vested with the full powers of a magistrate by special order of Government, and, therefore, after long trial and experience of his merit, has about the same salary as the inexperienced and untried civilian when first posted and placed really in pupillage as an "assistant" to a magistrate, or as the civilian suspended for misconduct. In the matter of pensions the injustice is of the same glaring kind, as well in respect of comparative amount, as of the different conditions on which they are granted to the two classes; and the same complaint applies to the furlough and other leave of absence rules, and to many occasional advantages, such as deputation allowances, extra pay and duplication of offices, which are exclusively possessed by the Civil Service. That in the matter of punishments, trials and complaints the same disparity exists. That, allowing the necessity for a severe control, it ought to be exercised in the same manner, but is not over all public servants; it is a common remark, and in a great degree true, that official negligence, unfitness, abuse even of authority and other faults on the part of the civilian are generally visited only by removal to another appointment of the same rank and emolument; even when under suspension for some grave offence the civilian has a very considerable allowance, and he cannot be dismissed from the service even by the Governor-general in Council; suspension is his worst punishment, and, upon being suspended, he becomes entitled to a certain fixed and considerable allowance. That there appears to be a striking deficiency of principle in the appropriation of offices to the privileged service; many of these offices have duties simply of clerks and accountants, and which would be better performed by persons brought up for such employments, or without high pretensions; that the only special qualifications which the Civil Service ever generally has are gained, not by study or professional training, but by actual practice and experience at the public expense, and which never or rarely rests on a basis of education and science, and consequently they are not intrinsically superior to the qualifications of other classes of public servants; that the practice of promotion by seniority appears to set aside all consideration of qualification; the magistrate or collector is raised to be an appellate judge in civil causes, having previously been employed in the active business of police, and chiefly criminal law and miscellaneous business or revenue, and from being a judge he is made a commissioner of revenue, as far as appears, only because the salary of a judge is a few peppercorns less than that of a commissioner; in short, changes of employment take place in rapid succession, apparently without reference to aptitude, general or special, or to any consideration but the tastes, interests or connexions of the individual, or his length of standing; and one consequence is, that civilians are constantly found at the head of departments, offices and courts about which and their business they know little or nothing.

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The East India Company's system was founded on the supposition that the Hindu and Mussulman population on the one side, and on the other the Company and its servants, were the only persons who had a right in the country, and could have a legitimate part in the government: the civil service is a remnant of this system, is constituted on this supposition, and is in fact a monopoly of the best employments. The institution, in this respect, is unjust both to the native and Christian population; and in the former class a considerable part of the latter class may properly be included, for great numbers of pure European as well as mixed blood have been born in the country, therefore are natives of it, and have no other home. That the East India Company's commercial interests depended on its civil service system may be true, but the ascendancy of the Crown can better be promoted by a liberal policy in all respects to the Christian inhabitants. Your Petitioners beg your Honourable House to take a survey of the general character and condition of the classes to which your Petitioners belong in Lower Bengal: first, in Calcutta, they have increased in numbers as the foreign commerce of India has increased, and they are essential as its instruments; they are the security on which the British capitalist relies for his information and returns; they are essential also as aids to the natives in their commercial relations. In Calcutta, also, are established a large body of British-born and country-born tradesmen, who carry on many of the trades of Great Britain which were formerly unknown in India; by these classes is diffused among the natives a practical taste for a thousand new means of enjoyment supplied by the manufacturers of England. To these two classes must be added the legal profession in both its branches, and the medical; and if they are only found in Calcutta, the cause is that the rest of the country is practically closed to them, not by any deficiencies or want of enterprise of their own, but by the East India Company's system. If a Sir William Jones, for example, were to desire to be a Company's judge, he could only become a moonsiff at 120 *l.* per annum in the first instance; and the English Bar could find no scope in courts whose judges are not jurists, nor brought up in habits of discussion. Secondly, out of Calcutta, the Christian inhabitants are connected with capitalists and merchants in different parts of the world, and they are engaged in superintending and urging production of indigo, silk, and other things which form the exchanges of Great Britain; as a whole, therefore, these classes may be described as comprising men of all ages and occupations—the mercantile, agricultural, professional, scientific and mechanical,—they present a fair image and representation of British capital, enterprise, acquirement, ingenuity and talent, and of the middle classes of England. It is by these, also, that the British people become known, and their character understood by the native population; yet the East India Company's system in a great degree ignores these classes, refuses to them proper laws, and offends them, for the sake of its civil service, by one general exclusion from public employment, on every fair principle, and leaves it to be supposed that British ascendancy depends on their exclusion; as if cadets, who come out at the age of twenty-two, and whose life is passed in narrow official trammels, could alone be loyal. That the privileges of the civil service are not only unjust in these respects, but they are direct obstacles to the most necessary reforms; but this topic, leading as it does to questions of administration, cannot be satisfactorily treated of in a petition. Your Petitioners, therefore, pray for such a change in the arrangements for supplying the public service in the civil departments, as to your Honourable House may, under the circumstances stated above, appear desirable; and particularly they submit to your Honourable House the expediency and necessity of inquiring into the nature and number of public employments in India, the salaries and emoluments attached to them, and the principles on which, if at all, the public service ought to be supplied from England.

THE EAST INDIANS.

That your Petitioners also beg to bring under the consideration of your Honourable House the case of the East Indians, a class all of whom are of Christian denomination, and though of mixed blood, British in education, habit and family, ties and connexions, but not British subjects within the technical signification of the term, and, consequently, they have no proper legal status, but are subject to the same criminal law as the natives, and they have no civil law out of Calcutta; this state of the law in relation to them is an admitted grievance, and the same grievance exists in the case of all foreigners, not being Hindus or Mahometans, such as French, Germans and other foreign people, and to whom also may be added the class of natives become Christian. That to provide an equitable status for all classes, not being British subjects nor Hindus or Mahometans, a law, known generally by the name of the Lex Loci, was prepared by the Indian Law Commission, and it would have relieved the East Indians, but it has not been passed; and, therefore, your Petitioners press on your Honourable House the said case of the East Indians and other said classes of persons.

EDUCATION.

That your Petitioners desire to represent, on behalf of the East Indians and others of Christian denomination, who, by circumstances, are permanent residents in India, the want of collegiate institutions for the higher branches of education, and a university to grant diplomas of qualification. That, in the former especially, law should be taught as a science, and a class of persons might thus be formed, qualified, in the first instance, for professional employment in the courts, and eventually for judicial office; and a very considerable body

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of permanent Christian inhabitants desire that their claims and interests should be considered in all arrangements for the education of the people.

PUBLIC WORKS.

That there appears to be, on the part of Government, a lamentably defective appreciation of the importance of roads and other public facilities of intercommunication. There is only one metalled road in the Lower Provinces, the grand trunk road, and it is the only road supported at the expense of Government. The other roads are made by the landholders, on the requisition of the magistrate, or with local funds, and generally they are designed to connect the different police stations, and not to open traffic or benefit the country people; and from the nature of their materials, most of them, during the rains, are nearly impassable; other roads there are none; and the grand trunk road itself, for want of bridges and sufficient repairs, is usually impassable for carriage traffic during a part of the rainy season. It is a striking proof of the little regard paid to the public convenience, so far as this great highway is concerned, that of two small bridges which were carried away by floods in 1847, neither is yet rebuilt, though the situation is in one of the most populous and highly cultivated districts, where the traffic is great, and within 35 miles from Calcutta; but in the place of one only a ferry was for some years established, though both these bridges appeared in the Report published by the House of Commons as public works, which had been sanctioned, and to the present day they are replaced only with temporary erections insufficient for the traffic, and on one of them tolls are established where there were none before.

Of course a Government which makes no roads, builds no bridges across the great rivers, much though they be needed. Public ferries there are, but many more there ought to be, and their management is much complained of, for delays and want of safety. On some rivers tolls are taken for keeping open their navigation; but the navigation derives little benefit, and appears to be left to nature. The country offers singular facilities for canals for shortening the lines of communication from various districts to Calcutta and other places, and opening the country generally; but they are not constructed. A canal which terminates in Calcutta is allowed to remain so narrow as to be constantly choked up with traffic boats, though it produces a large profit, and admits of enlargement. A large surplus is derived from ferry tolls and similar local sources, and is appropriated by promises and law, but not applied to public improvements, except that in the year 1850-51, a few hundreds of pounds were so applied from the ferry funds, and distributed among several zillahs, each containing an area of several thousand square miles.

Your Petitioners cannot pass unnoticed the subject of the railway: its construction appears to be proceeding with slowness, which no company of capitalists unguaranteed would or could afford to tolerate, and which, therefore, must be ascribed to the influence of checks applied by Government to secure economy, and prevent fraud, but which usually do neither, as experience has proved, but are mere impediments, and have the sole merit of giving to Government an amount of patronage.

That the Government has not at its disposal the variety or amount of scientific and engineering skill requisite for the proper prosecution of public works of utility; to the Military Board, which has their superintendence, they are secondary objects; and works are constantly stopped from officers being called away to their military duties, and therefore your Petitioners think new provisions necessary for the prosecution of such works.

THE COURSE OF LEGISLATION.

That your Petitioners beg to represent to your Honourable House a few traits of the course of legislation. The early legislation presents some great measures, which are clearly referable to the impulse temporarily given by the discussions in Parliament. Among these the establishment of the liberty of the press deserves the first and most grateful mention; it has been justified by its fruits; the press has proved its worth by what is a great merit in a community so much under official influences—its general independence; and it is equal to any colonial press in activity, in diffusing information, in intelligent discussion, in assisting the formation of public or political opinion, and in enlightened criticism on, and appreciation of, the conduct of Government. The attacks industriously made upon it of late from official quarters give your Petitioners much concern; and if its merits should come under the consideration of Parliament, your Petitioners trust your Honourable House will rather take your appreciation of it from your Petitioners, and the classes to which your Petitioners belong, than from the official classes, many of whom appear to desire to restrain and abridge its freedom.

Your Petitioners also refer with unqualified satisfaction to the abolition of town and transit duties, another very early measure of the new Legislative Council: so long as the East India Company's monopoly lasted, these duties were maintained; their repeal was the inevitable consequence of commercial emancipation, and therefore really of Parliamentary origin. The new customs duties on exports and imports also deserve a favourable mention, as being moderate, but they were not established in Madras until some years later than in Bombay and Bengal; and their uniformity has been again broken by a recent Act, which raises the customs duties at Bombay alone, and therefore the sincere gratulations of the public are given, but with some doubt of the integrity of the fiscal principles of Government.

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An uniform coinage for India also was early established, and more recently a ship registration, and other beneficial and similar commercial regulations.

In the department of English Law there is much ground for grateful remembrance. The Wills Act has brought to India the recent statutory Law of Wills, and the law of Dower and Inheritance has been altered as in England; but these changes, and others of the same kind, are due to the influence of the legal profession. In the Supreme Court, the modes of procedure have rapidly followed the reforms of procedure in England, not through legislation, but mainly in consequence of a wise provision in the constitution of the court itself, that its practice shall conform to the courts of Westminster Hall. It would be praise undeserved to ascribe this large branch of legislation and reform to the spirit or judgment of the Indian Government; the praise is due to those who have no place in the East India Company's system. On the other hand, on matters over which British people have little or no influence, legislation is much less commendable as a whole.

That when the civil jurisdiction of the East India Company's courts was universally extended over British subjects, it would have been fair to have enlarged the appellate jurisdiction, which the Supreme Court already possessed under statute 55 Geo. 3, c. 155, s. 107, but instead of this being done, the same Act, which extended the jurisdiction of the Company's courts, repealed the appellate jurisdiction of the Supreme Court: the preservation of the appellate jurisdiction of this court would have been some protection against bad procedure and misdecision.

That recent legislation is distinguished by a great number of enactments, creating powers of an extraordinary kind unnecessarily, or conferring powers on persons not fit to exercise them: of the former kind, in Calcutta for example, where all legal authority reasonably exercised is respected, to an officer called the Collector of Calcutta (not the collector of customs or of municipal taxes, but of the land rents of the East India Company in its ancient right of a zemindar or landholder) has been given by a recent Act, power to punish for a contempt to himself, with a fine of 20*l.*, and in default of payment to one month's imprisonment, thereby creating (1.) a new offence; and (2.) denying the ordinary redress for wrong, inasmuch as the Act referred to obliges any one who may be wronged to seek redress out of Calcutta, in a court of the East India Company in the country; while, (3.) at the same time it empowers the officer himself to avail himself, in addition to the usual powers of distress, of the Calcutta courts and magistrates. The collector, in this case, belongs to the privileged service, and it is impossible not to surmise that the offence would not have been created in favour of a common tax or rent collector. As an instance of powers conferred on improper persons may be mentioned an Act, authorising native police officers to fine for an infraction of the salt laws, and to imprison for a fortnight. The Act book abounds in legislation of this character.

That the legislation respecting crime is equally unsatisfactory; by reason of the state of the police, every landholder, planter, banker, considerable trader and storekeeper is obliged to keep men, often in very considerable numbers, armed according to the custom of the country, to defend his property against midnight gangs called "dacoits," and other robbers; such irregular forces, though necessary for self-protection, are of course liable to be employed by neighbours at enmity against one another, and by circumstances to become aggressive, and hence the frequency of affrays, which are to be deplored; but the primary evil in the whole set of circumstances is the state of the police, and its reform is the proper and essential remedy, instead of which, mere legislation against crime is resorted to; ingenuities are exerted to bring the propertied classes within the criminal categories; the laws on paper are made more severe; increased judiciary powers are given to the magistracy, but the real evil remains unabated. It is obvious that legislation of this kind is only acceleration on the road to ruin.

Act for relieving Magistrates from responsibility.—That in 1850 an Act was passed for the protection of magistrates, and others acting judicially, from responsibility to law. That the said Act, in the obvious meaning of its terms, protects them in any illegality not clearly referable to a malicious object or intent; it protects ignorance, negligence and incapacity, and is inconsistent with a Government according to law, and with justice to the community; that if inferior judicial officers are thus protected, the Government will be called on, and ought to give redress to parties illegally injured; and that thus indirectly, but inevitably, the said Act also places the entire magistracy and inferior judicial officers in a state of responsibility for their law to the Executive Government, and destroys their judicial independence, and therefore the said Act is also contrary to all sound principles of public policy.

Postage.—That your Petitioners have still to desire the recognition, on the part of the Indian Government, of the principle on which postage rates in England have recently been reduced by Parliament, and a general reduction of postage rates in conformity with this principle. That your Petitioners believe that, on inquiry, your Honourable House would find that the existing inland postage rates defray the cost of the carriage, not only of all private letters and heavy Post-office establishments, but also of all the correspondence of the Government of India, Presidency Governments, and their numerous military and civil departments.

Tolls on Roads and Bridges.—That your Petitioners deprecate the establishment of tolls on any of the great highways made or kept up at the expense of Government, and for which an authority has recently been given to the Presidency governments by an Act of the Legislative Council passed in 1851; and the said Act extends to bridges also. The only previous Acts of the kind were two Acts passed in 1837 and 1838, for local tolls at the Bhore Ghaut,

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in or near the town of Bombay, and which tolls had long before existed under local regulations. Under the new Act, a toll has been established on a bridge which is not strong enough to bear an elephant; and an elephant, which for want of a proper bridge is obliged to ford the river, still pays a new toll of two shillings.

The East India Company's Spirit License.—That your Petitioners cannot pass unnoticed one cause of great injury to the poorer classes of people. Temperate, as has always been supposed, by nature, their temperance as a habit is fortified in the case of the Hindus by the rules of caste and the Hindu religion, and, in the case of the Mahometans, by the commands of their prophet and all the principles of the Koran, and in the case of both by native public opinion. That indulgence in spirituous liquors, consequently, was discountenanced by the people in general, and was confined to the very lowest classes, or the two lowest classes, in the long settled parts of Bengal, and the united action of religion and public opinion, probably, would have prevented its spreading. That within a few years, Government has extended to large villages the licensing system for the sake of revenue, and its effect has been to lead to the establishment all over the country of shops for the sale of spirits. The license of Government is found to discountenance the public opinion of the native community, and in every considerable village there is a licensed shop, where, until the license was established, there was no such shop at all. Religion, caste and public opinion are ineffectual against the license, and the whole agricultural and labouring population is thus being corrupted, and falling into habits of indulgence in a new form of intoxication.

That this is a great evil to the employers as well as to the people; and British residents in the country universally attest its progressive increase, and generally ascribe it to the East India Company's licensing system. That there is no hope of the abolition of this system without the interference of Parliament, and your Petitioners pray for an immediate inquiry, under the direct authority of Parliament, into the extent and cause of the alleged evil.

Salt Duties.—That the salt duties appear to your Petitioners deserving the consideration of Parliament, as pressing with considerable severity on a very poor population, and the occasion of numerous small oppressions, and some other evils. It is true that the duty is no longer founded in a monopoly; but its amount is upwards of 400 per cent. on the natural cost of the article, and its cost to the consumers is still further enhanced by the means necessarily used for the protection of the revenue. Many proofs that the duty presses with very great severity might be given, but one must here be sufficient, namely, that out of Calcutta, as far as the North-west Provinces, pure salt, as sold by the Government or imported, is almost unknown to the mass of the people. Adulterations of all kinds are resorted to, to reduce its price to their means of purchasing; a wholesome condiment is thus often rendered unwholesome; and as to all purposes for which pure salt is necessary, the duty is a prohibition. Moreover, the revenue can be protected only by a severe system of fines, penalties and confiscations, and a very inconvenient interference with general traffic. On the banks of all the great rivers within the tidal limits, salt guards are stationed to prevent smuggling, and all traffic boats are subject to molestation from native officers, who levy small contributions on them. In the interior, and on different parts of the frontier in the North-west Provinces, there is a jealous excise system; and in the Punjab, the means employed to prevent smuggling are a source of great irritation. It should further be mentioned, that the manufacture of saltpetre was very recently proposed to be put under new regulations of a most injurious kind to the saltpetre trade, for no purpose but to prevent the production of an article for the adulteration of salt, which the saltpetre works are supposed to supply to the dealer in that article. And to protect the inferior salt of Lower Bengal, that of the North-west Provinces is subject to a differential customs duty.

That under two sections of the Charter Act, viz. the 81st and 82d, British-born subjects are restricted to provinces acquired before the year 1800, except with license. The restriction probably has remained, to a great degree, inoperative, but it is a stigma derived from the policy of former days, when all except the servants of the East India Company were regarded as interlopers and oppressors. In the opinion of your Petitioners, every British subject ought to have free access to every British province, except, perhaps, in time of actual war (flagrante bello). Your Petitioners, therefore, desire the abolition of the said restrictions.

In adverting to the course of legislation, your Petitioners must also deplore the little use made of the Indian Law Commission, which was appointed, under the authority of the Charter Act, to prepare laws for all classes of people.

THE SUPREME GOVERNMENT.

That the above facts and circumstances press on all rational men the consideration of the constitution of the supreme authorities.

With respect to the Supreme Government of India, your Petitioners beg to point out the paucity of its members, at no time exceeding six, and usually only five persons, and its necessary consequence, that the same persons, with the exception of one from the Executive Government and the Legislative Council, including in both the Governor-general, and that, therefore, practically, the only real distinction is between the Governor-general, in his separate official capacity, and the rest of the Council, and that the distinction between the Executive Government and Legislative Council is a nominal one. When, therefore, it is considered that the political and legislative authority of the Supreme Government extends over all India, and to many foreign Oriental relations; that it has exclusive authority to act or decide on some subjects of the greatest difficulty and importance; that the local Governments

ments are entitled to resort to it for advice and direction, and in many matters are not qualified to act without its concurrence; that its authority is embarrassed by subordination to greater powers at home, whom, as their agent, it has to keep informed, and to receive instructions from them, and that, in this respect, it has to keep up a certain harmony of ideas and operations; it may well be believed that five persons or six are insufficient for such extensive complicated and diversified functions.

That your Petitioners also beg to point out how the paucity of the members operates on the choice of persons, and, consequently, affects the quality and composition of the Government. The Governor-general is always one of necessity; one is a military man; one is a lawyer for legislation; the remaining two must be selected for their Indian experience; but Indian experience, though essential, is narrow, being gained usually in one department of civil duties, and in only one Presidency, namely, in Bengal, in Madras, in Bombay, in the North-west Provinces, or in the Punjaub (may now be added), and the population, institutions, revenue and judicial systems of the different Presidencies widely differ. And, therefore, your Petitioners, without even questioning the fitness of any individual, may still regard the Council as very deficient, and especially as wanting in variety of composition, and as of too limited attainments and experience; deficiencies which would account, in some degree, for the little progress made in all great improvements, and the retrograde tendency of Government.

That, by the facts above stated, and these reflections, your Petitioners are inevitably led to recommend a considerable addition to the Legislative Council, and especially the admission to it of non-official persons from the commercial and professional classes.

That the office of Governor-general requires adaptation to the empire, as it exists at the present day; that your Petitioners believe there is not to be found any exact account or definition of the separate powers of the Governor-general; that, for the last 20 years, the Governor-general has been more than half the time away from the seat of government, and your Petitioners believe that the ordinary affairs of the Government are occasionally put to much inconvenience by his absence; that it is obvious that the emergencies which require his absence would generally leave him little leisure for distant concerns; that the most eminent capacity for deciding in a Council is often a very insufficient qualification for deciding alone; that the Governor-general is obliged to delegate to the Council, under a temporary President, the decision of matters on which his personal advice and orders must be desirable; and when, as may and has happened, either the Governor-general or the Council declines, or is legally incompetent to act without the concurrence of the other, the public business stands still, arrears accumulate (of which some are swallowed up by mere lapse of time), private interests suffer, public interests suffer, and Government falls, first into disorder, then into apathy, and much which requires to be done is finally left undone.

That your Petitioners also beg your Honourable House to reflect on the prejudicial influence which the absence of the sole representative of the Crown must have on the spirit of the administration, he being also the sole British statesman by profession in the Government, the only member of it who has been brought up among the public men of England, who knows their mode of thinking, and understands the Parliamentary system, and can appreciate the importance of non-official and public opinion.

The Home Authorities.—That your Petitioners also submit that the present opportunity should not be lost of revising the manner in which the home authorities are constituted, and their functions are arranged; that, since the last Charter Act, the Court and Board have been opposite litigant parties in the Court of Queen's Bench, apparently in consequence of a mutual misunderstanding as to their respective powers; that a contest also arose between the same authorities, respecting the recall of a Governor-general, the two cases together presenting the following anomaly; namely, that the Court is bound to transmit to India, for the Governor-general, the mandate of a particular policy, without exercising any discretion; but, on the other hand, has the power to recall a Governor-general who may be specially charged with the execution of that policy, and may have done his duty satisfactorily to the Queen's Government; and hence their respective powers appear not well arranged nor well understood; that of these bodies, one appears deficient in that knowledge of the country and people which the other body possesses, while the latter appears deficient in the higher qualities required in the governors of a great country; and hence the laws, the courts of justice, the police, and other institutions, remain in the state already described, so unworthy of the British authority and the British name.

That your Petitioners consequently feel themselves bound to declare their opinion, and as they believe the opinion of the public of India generally, to be unfavourable to the present double government of a Board of Control and Court of Directors.

That the manner in which the Directors of the East India Company are appointed is most objectionable in the following and some other respects; namely, (1.) That although their functions are politically of the highest order, and affect the well-being of India, they are self-proposed in the first instance, and without any security for their being qualified or proper persons to be entrusted. (2.) That they are elected by a proprietary body, whose capital is now guaranteed by Parliament, and which therefore has lost that interest in the Government of India which formed the basis of their elective privilege; and, (3.) Which body requires to be canvassed, and gives its votes on a well-grounded calculation of a return of benefit in the distribution of patronage; and, (4.) That such a system has the effect of preventing highly qualified persons from ever becoming Directors.

State of the Country.—That from what is above stated respecting the law, the law courts

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and the police, your Lordships will be able to draw, with the fullest assurance of truth, many conclusions respecting the condition of the country. It might appear paradoxical to deny its prosperity in the face of the vast increase which has taken place in the foreign commerce; but it is undeniable that, contemporaneously with this increase, crimes of a violent character have increased, and law and police are also regarded as affording little security either for rights of persons or property. Hence the limited application of British capital to agriculture and mines, and the limited employment of British skill in India (the former being confined to a few valuable articles, such as indigo, for the cultivation of which the soil and climate are so superior as to afford the profits almost of a monopoly, silk, and a few others); and hence, also, small capitals can rarely be employed in India. The planter or capitalist in the interior never or rarely leaves his capital when he himself quits the country, in consequence of its insecurity; and from this cause results the high rate of interest of money: landholders pay 25 and 30 per cent.; and the ryot or cultivator is in a worse relation than of servitude to the money lender. Your Petitioners, therefore, think that inquiry ought to be instituted by Parliament into the state of the country, in order to provide some probable remedy for the evils adverted to.

That, adverting to the inadequate manner in which the objects of the last Charter Act have been carried out, and to the several facts above stated, your Petitioners suggest the expediency of making the new arrangements of the Government for a shorter term of years, and at first only for one year; and, in conclusion,

Your Petitioners pray your Lordships to take the several matters aforesaid into your fullest and most serious consideration, and to take such measures as to your Lordships may appear necessary to establish the several ameliorations and reforms desired by your Petitioners.

And your Petitioners shall ever pray.

P. Clarkson Reed,
Zemindar, of Purneah and Calcutta.

Hirdsey Reed,
Barrister-at-law, of Calcutta.

PETITION, praying that in the event of the Renewal of the Act for the Government of the Indian Territories, Provision may be made to secure to the Petitioners the full Benefit of the Contract with the East India Company, by which they were induced to Settle in the Company's Territories; of Armenian Inhabitants of the Bengal Presidency.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition and Memorial of the Armenian Inhabitants of the Bengal Presidency.

Respectfully showeth,

That the Memorialists of your Honourable House are of the ancient Armenian race, the national existence of which has long been extinct, but of which individual members were the foremost to appreciate the benefits of British government in the East.

2. That the resort of Armenians to the British settlements, in this and other parts of India, was coeval with the establishment of those settlements. That the first important firman of the Imperial Court of Delhi, in favour of the English East India Company, while it was still in its very infancy, was procured by the agency of Khojah Serhad, an Armenian of great enterprise and influence in those days. It is now a matter of history, and the connexion thus begun, with a sense of mutual obligation, was cemented by an instrument of solemn compact in the nature of a treaty between Coja Phanoos Calendar, an eminent individual of the Armenian race, and the then Governor and Company of Merchants of England trading to the East Indies, bearing date the 22d June 1688, and ratified under the hands of the Governor and Directors, and by the common seal of the Company; the actual execution of the above instrument, a copy of which is appended for the sake of reference, has never been questioned.

3. That although the above compact may not possess all the binding force of an international act, in so much as it was made with a mere individual of a race, which had then no existence as a political community, yet did it continue for nearly a century to regulate the scale of duties levied on the trade of Armenian merchants at the Company's settlements and dependencies. Whether binding as a treaty or not, it must, at all events, be admitted to contain the terms publicly held out by the Company to encourage the resort and settlements of Armenians into the factories and places held by the East India Company.

4. Your

4. Your Memorialists beg to draw the attention of your Honourable House to the third article, which is as follows:—

> "That they (the Armenian nation) shall have liberty to live in any of the Company's cities, garrisons, or towns in India; and to buy, sell, purchase land and houses, and be capable of all civil offices and preferments, in the same manner as if they were Englishmen born; and shall always have the free and undisturbed liberty of the exercise of their own religion; and we hereby declare, that we will not continue any governor in our service that shall in any kind disturb or discountenance them in the full enjoyment of all the privileges hereby granted to them; neither shall they pay any other greater duty in India than the Company's factors or any other Englishmen born, do, or ought to do."

5. That upon such invitation and solemn guarantee, the Armenians began, and have since continued to flow in from various parts of Asia, to the haven of protection and favour thus opened to them. They have traded and tilled the earth; have become builders and proprietors, and acknowledge with gratitude the uniform protection and kindness they have received under the Company's rule. Your Petitioners confidently trust, that they, and those who have preceded them, have shown themselves neither unworthy of this favour, nor ungrateful towards their benefactors; and that, of the numberless tribes and races that have successively placed themselves within the pale of British dominion, none has evinced more loyal attachment, or given less occasion for the exercise of either coercive or penal measures.

6. That of the Armenians now settled within this Presidency, the smallest section is that of such as are the issue of forefathers already settled in it before the coming of the English; a large section is composed of such as are of foreign birth, and are themselves original settlers; but the far greater proportion are those born in this Presidency, the issue of fathers or forefathers who became settlers upon the inducement above mentioned.

7. That many of your Petitioners are possessed of large personal property, and also of large property in houses and lands, within the limits of Calcutta itself, and also of talooks and zemindaries in several of the zillahs and districts of this Presidency; and that of their real property, a part is the fruit of personal acquisition, but the greater part has been derived to them from fathers or forefathers, by whose industry it was acquired.

8. That notwithstanding the existence of the above compact or treaty with the East India Company of the year 1688, and, moreover, notwithstanding the assurance given by the Supreme Government, in the reply of Lord Auckland, Governor-general, to their memorial presented in 1836, to take the subject of their petition into due consideration, the condition of the Armenian inhabitants; in respect to civil rights and privileges, or the position of the Memorialists of your Honourable House has not yet been, in the least degree, altered. That your Memorialists unfortunately still labour under the disadvantage of being regarded in the courts of the Company, more especially of criminal judicature, in the same light as Hindus and Mahomedans, and subject to a system of law, if system it can be called, based upon the Mahomedan code, and modified by Regulations and Acts of the local Legislature, but so crude and undefined, as to leave nearly everything at the discretion of those who are entrusted with its interpretation, who are so often destitute of experience or sound judgment, and which is held in detestation by their more favoured fellow-subjects of British birth, who are, for the most part, exempt from its application, and who have, on all occasions, expressed the greatest disgust at every attempt to bring them within its operation.

9. Finally, your Memorialists, although so warmly and gratefully attached to the British rule, under which they have prospered now for upwards of a century and a half, and utterly unconscious of having done anything to forfeit the good opinion that prompted the flattering terms of invitation upon which Armenians became settlers in the territories of the East India Company, and have continued for upwards of a century to enjoy within the local limits of the several Presidencies all the consideration that a parity of civil rights with natives of Great Britain was calculated to give, find themselves deprived of these advantages, when beyond the limits of those Presidencies, and subjected to a different system of law. Your Memorialists have no hope of remedy for this, which they cannot but consider as a serious grievance, but from the wisdom and justice of your Honourable House, to which they present their earnest prayer—

> That the inequality and grievance above stated may be taken into the serious consideration of your Honourable House, on the occasion of the expected renewal of the privileges of the East India Company, and that provision may be then made to secure to your Memorialists, and generally to the Armenian settlers within the territories entrusted to the government of the Honourable East India Company in British India, the full benefit of the contract made with one of their nation, on behalf of himself and those of his nation, on which they and their forefathers were induced to become settlers within the Company's territories.

And the Memorialists of your Honourable House, as in duty bound, will ever pray.

Calcutta,
10th day of January 1853. (signed) A. Apear.
[And 213 others.]

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PETITION of Members of the BRITISH INDIAN ASSOCIATION and other Native Inhabitants of the BENGAL Presidency, complaining of Grievances, and praying for Relief.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the Members of the BRITISH INDIAN ASSOCIATION and other Native Inhabitants of the Bengal Presidency,

Sheweth,

THAT your Petitioners are desirous of bringing to the notice of your Right honourable House the sentiments entertained by themselves and the most intelligent part of their native fellow-subjects all over the country, on those points which, in their humble opinion, ought to be taken into consideration at the period of the termination of the Charter, granted to the East India Company by the Act passed in the reign of His late Majesty King William the Fourth, intituled, "An Act for effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories, till the 30th day of April 1854." As subjects of the Crown of Great Britain, the natives of this country entertain the deepest sentiments of loyalty and fidelity to Her Majesty, and sincerely desire the permanence of the British supremacy in India, which has ensured to them freedom from foreign incursions and intestine dissensions, and security from spoliation by lawless power. Placed by the wisdom of Parliament, for a limited time and on certain conditions, under the administration of the East India Company, they have enjoyed the blessings of an improved form of government, and received many of the advantages incidental to their connexion with one of the greatest and most prosperous nations. They are impressed with a sense of the value and importance of these and similar benefits, and of their obligations to the nation from which they have, under Providence, derived them. They cannot but feel, however, that they have not profited by their connexion with Great Britain, to the extent which they had a right to look for. Under the influence of such a feeling, they regarded with deep interest the inquiries conducted by Committees of both Houses of Parliament, between the years 1831 and 1833, preparatory to the passing of the last Charter Act. The fact of such inquiries being on foot, suggestive as it was of great administrative reforms, induced the people, who were unaccustomed to make any demonstration of their sentiments respecting the acts and measures of their rulers, to wait the result of the deliberations of the Imperial Parliament.

Loyalty.

2. That the principal changes made by the above-mentioned enactment, consisted in the increase of the powers of the Crown and the Board of Control over the Court of Directors, and those of the Supreme Government over the subordinate governments; in the power of legislating for all classes which was conferred on the Supreme Government, and, as auxiliary thereto, the appointment of a law commission, and of one member not of the Civil Service to the Supreme Council; in the extension of the powers of the Governor-general when absent from the Council; in the admission of British subjects to trade in China, and to hold lands in India; and in the increase of the ecclesiastical establishment, for the benefit of professors of the Christian religion, at the expense of the general revenue of the country. But no provision was made for introducing those benefits which the circumstances of India notoriously required; such as the relaxation of the pressure of the revenue system by lightening the land tax where it was variable, or erecting public works of utility, calculated to develop the resources of the country, and promote the growth and increase of commerce and manufactures; the improvement of the system of judicial administration, by the selection of qualified officers, the appointment of proper ministerial officers, the abolition of stamps on law proceedings, and other salutary measures; the protection of life and property by the employment of a police adequate to the purpose in point of numbers and discipline, under the control of a proper number of experienced magistrates; relief from the gigantic monopolies which the East India Company maintained very inconsistently with their position as rulers; the encouragement of the manufactures and commerce of the country, which had been greatly depressed in consequence of throwing open the trade with India; the education of the people on an adequate scale, for which the grant of a lac of rupees, authorised by Parliament in 1813, was manifestly insufficient; arrangements for the appointment to the higher offices of persons better qualified, by their experience, capacity and knowledge of the languages and laws of the country, than those who were heretofore sent out, usually before they had emerged from the state of adolescence; and the admission of the Natives to a participation in those rights which are conceded by all constitutional governments, and which would qualify them to enjoy the benefit of free institutions at a future period. The only privilege conferred on the Natives was the declaration in Section 87 of the above-mentioned Act, "that no native of the said territories, nor any natural born subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office or employment under the said Company."

Legislation.
Revenue system.
Public works.
Judicial system.
Stamp duties.
Police.
Dacoits.
Education; insufficiency of grant.
Natives.

3. That the natives of this country were disappointed in the expectation they had formed, that the Charter of the Company, if renewed, would be so modified as to provide for some

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of those administrative reforms which were called for, and also to secure to them some of those civil and political rights which they considered themselves entitled to, even without reference to their position as subjects of the British Crown. That feeling of disappointment has been, if possible, deepened by their perceiving that, notwithstanding the declaration just recited, the natives of India, with one or two exceptions of very recent date, have not been appointed to any but subordinate offices under the Company, such as were very inferior in point of respectability and emolument to the posts held by the youngest of their civil servants.

4. That after being in much uncertainty as to the intentions of Her Majesty's Government to make inquiries into the affairs of India, with reference to the approaching termination of the Company's Charter, your petitioners have learnt, with satisfaction, of the appointment of Committees of both Houses of Parliament, to take into consideration the mode in which the government of the British possessions in India is in future to be conducted. They cannot disguise from themselves the difficulties which those Committees will experience in endeavouring to ascertain the nature and results of the administration of the East India Company. The evidence accessible to them will be chiefly of parties, who are more or less interested in the maintenance of the present system of the British Indian administration, and who cannot be expected, even were some of them free from a natural bias, to enter into the feelings and wants of a people widely differing from them in religion, manners and habits. But your petitioners rely on the wisdom and justice of your Right honourable House, to give due consideration to the representations which they are emboldened to submit, by the consciousness that, though differing in religion and colour, they are your fellow-subjects, and that their claims as such will not be disallowed. Committees.

5. That your Petitioners submit that it is for many reasons fit and proper that the period of such arrangements should be shortened, in order to bring the merits and working of them sooner under the review of Parliament. The governments of remote dependencies of the empire are generally liable to be ill-conducted, particularly when those dependencies are of the magnitude to which Her Majesty's dominions in India have at this day attained, and when there are various and dependent Boards, and the grounds of their proceedings cannot be scrutinized by the public, except by the publication of correspondence by order of Parliament. It seems of paramount importance, therefore, that the administration of India should be more frequently brought under the revision of the supreme authority. An appeal to facts will corroborate this argument. By the last three Charters, the Government of the British Indian territories was continued to the East India Company for terms of 20 years; but however urgently reforms and improvements in the system of government might seem to be required, none could virtually be introduced till the expiration of that long period. Accordingly, it required that period before British subjects were permitted to exercise their natural right of residing in, or even of trading with this part of their Sovereign's dominions, and another like period before they were permitted to enter into the trade with China, which was open to all other nations. If British subjects had to wait such protracted periods in breaking through a monopoly, the natives of India cannot have a better prospect of obtaining reforms which they may pray for, or rights which may be admitted to be unjustly withheld from them. Your Petitioners are therefore most anxious that the term of the arrangements which may be next entered upon for the government of this country should not be extended beyond 10 years. Shortened period of renewal. British subjects.

6. That your Petitioners submit, that the existing system for the management of the affairs of India by the Court of Directors and the Board of Control is objectionable, on account of its complexity and expensiveness, as well as on other grounds. The Court is composed of 24 Directors, elected for five years each, who receive each a salary of 300 *l.*, a sum which is manifestly inadequate to secure the services of persons qualified to assist in the government of a vast territory, and willing, conscientiously, to devote their time and attention to that great undertaking. But in reality the services of the Directors are compensated by the extensive patronage which each of them enjoys, consisting in the right to dispose of certain lucrative, civil and military, and other offices in India. For the manner in which that extensive patronage is used by them, they are under no sort of responsibility. Being originally a body of merchants, delegated by their fellow-merchants to carry on the trade with India for their mutual benefit, they received a suitable salary for the extra attention they gave to their joint concern; and it was a part of their functions to select the men whom they sent out to India, as merchants, factors or writers, to look after their enterprises, prepare investments of goods for the English market, and assist in the performance of other details of their commercial speculations. The salaries and emoluments given to their servants in India being small, in proportion to the extent of their business, the selection of proper employées was a responsible duty, and not a source of extensively coveted patronage. The Directors themselves were chosen for their knowledge of commercial transactions and capacity for commercial pursuits, without reference to administrative qualities. But since, in consequence of the change in the character of the East India Company, the Directors are required to be qualified not as merchants, but as Indian statesmen, it is obvious that the principle on which, and the persons by whom they are selected, should undergo a corresponding alteration. The Board of Control was appointed with reference to the inconsistency of placing under a body of merchants the government of extensive territorial possessions, and with a view to the political acts of that body being under the actual direction of Her Majesty's Government. Accordingly, it was and is composed of a portion of Cabinet Ministers, but the chief responsibility is commonly understood The Home Government. Court of Directors. Salary, 300 *l.* Patronage.

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to be left with the President of the Board, who holds no other appointment in the Ministry, and alone receives a salary as a member of the Board. The control of the Board extends to a part only of the acts of the Directors. The latter, therefore, are in many respects, particularly in the disposal of their patronage, without any check or responsibility. In those matters in which the responsibility of the Directors to the Board has been provided for, the control exercised is either indirect or liable to be resisted. The Directors may be compelled to issue orders affecting great political interests, without knowing, or, at least, without approving their tenor. The same Directors may recall a Governor-general who is in the confidence of the Ministry, but is adverse to the objects of the Directors' patronage, and thus defy the powers of the Board set over them. They have the power of instructing the Legislative Council of India to enact what laws they please, and abrogating any laws that have been passed by that Council; and it will be in vain for the people of India to offer any remonstrances to a body so constituted and vested with such powers. The people of India too are often at a loss to comprehend from whom certain measures emanate, whether from the local Government, by whom they are promulgated, or from the Directors, under whose instructions the Government act, or from the Board of Control, who have the right to prescribe the instructions which shall be sent to the Government for their guidance. Hence, they are precluded from offering remonstrances, not knowing but that the authority remonstrated with may have been acting entirely under dictation. Although it is fit that the general direction of the affairs of India should rest with Her Majesty's Ministers, subject to the controlling authority of Parliament, yet it seems obvious that the persons who have to deliberate on the questions which arise relative to the good government of the country, should be men not only of great abilities, but sufficiently acquainted with the country whose destinies are to be placed in their hands, and, at the same time, taken from such different classes as to ensure a freedom from all class and other sinister influences. Your Petitioners therefore submit that, on the grounds set forth, the future management of the affairs of British India should be vested in one body, consisting of not more than 12 members, half of whom may be nominated by the Crown, and the other half elected by a popular body, but all of them holding the appointment for five years, and going out of office by rotation; that a suitable salary should be attached to the office, not only to secure men of the best abilities, and to ensure their giving a sufficient portion of their time to their duty, but also to serve as a compensation for the loss of patronage which may ensue from any arrangements which Parliament may see fit to make. In the formation of a Board for the management of the affairs of India, on the principle above adverted to, your Petitioners submit, that the preference ought to be given to those candidates who have resided in India for a certain number of years, whether in or out of the service of the East India Company; and a method may be easily devised by which such candidates may be returned before those who do not possess that advantage. While, on the one hand, a Board so constituted will be more directly under the control of Parliament than two distinct Boards, with differing powers and divided responsibility, it will, on the other, be maintained at a less cost, and the government of the country will be carried on without those dissensions and other consequences which must arise from an opposition of interests.

Irresponsibility.

7. That your Petitioners submit that the election of the members of the Board should not be wholly confided to the proprietors of East India Stock, who are a body comparatively small in number, and therefore easily liable to be brought under improper influence, and without sufficient motives to seek for the good government of the country. When the proprietors carried on their exclusive trade, they had the right to elect the directors by whom it was to be managed. At the present day they have no concern with India, beyond receiving the dividends, which have been guaranteed to them by the British nation, as the condition of throwing open that trade. It is proper, therefore, that other parties should be associated with them as an elective body, who have a deeper and more direct interest in the welfare of the country and the improvement of the administration Your petitioners accordingly submit that Native and European British subjects resident in India or in England, who are holders of the East India Company's promissory notes of four or five per cent., to the value of 25,000 or 20,000 rupees respectively, should be allowed to vote in the election of members of the Board of Management for the affairs of India, and with that view should be allowed to transfer the same to a local India stock, at the rate of interest they now receive; and that after 12 months' registry *bonâ fide* in their names, they should be allowed to vote in person or by proxy, under the same rules which govern the votes of the present proprietors. Your petitioners also submit, that the privilege enjoyed, under Section 26 of the Charter Act, by proprietors of East India stock, resident in England, to vote by attorney, should be extended to proprietors resident in India, and that these should have power to send their letters of attorney to England, within six months of the date fixed for the election of members of the Board for the management of the affairs of India. It should, however, your Petitioners think, be made a rule, that proprietors of stock of either description, who hold office under Government, should not be allowed to vote during their incumbency.

No tie with India.
Stock guaranteed.

The Government of India.

8. That the constitution of the Government of India is calculated to prevent due attention being given to the internal administration. It is at present employed about the political and military concerns of a vast empire, in legislating for the several presidencies, and making arrangements for, and governing, the newly acquired territories, and in exercising a general supervision over the acts and proceedings of the several subordinate governors and other authorities. The Governor-general, or, in his absence from the seat of Government, one of the members of Council, has also the immediate charge of the Government of Bengal.

Bengal. Duties so multifarious cannot be satisfactorily performed; and as political and military matters claim primary consideration, all that concerns legislation and the civil administration is treated as matter of very secondary importance. Your Petitioners are therefore of opinion that, to ensure the well-being and good government of these extensive territories, the functions of the Supreme Government should be limited to the objects which more appropriately belong to it, namely, the disposal of political and military affairs, a control over the governors of the several presidencies, and a veto on the laws proposed by a Legislative Council specially appointed. The Supreme Council may consist of three members, immediately appointed by the Board of Management from among persons who have been employed in the civil departments, or otherwise have had local experience; and the Commander-in-Chief may be an extraordinary member thereof, but having a voice only as to military and political questions.

Relations of the Governor-General with the Council.

9. That your Petitioners are humbly of opinion that both experience and expediency require a modification of sections 49 and 70 of the Charter Act. The former, by authorising the Governor-general to act on his own responsibility, contrary to the opinions of the Council, practically invests him with absolute power. Such power, if given at all to an individual, should be confined to extreme cases, and the occasions on which it may be exercised should be accurately defined. The authority conveyed by the latter section to the Governor-general to go to any part of the country without the Council, in effect nullifies the design of appointing such a body, and at the same time furnishes him with a motive for leaving the seat of Government, to the detriment of public business.

Legislative Council.

10. That the union of political or executive power with the legislative, is not only anomalous in itself, but pregnant with injury to the interests of the people. It prevents sufficient attention being paid to the internal administration, so that the most important measures which are pressed on the attention of the Government, either receive a superficial consideration or are postponed for indefinite periods. On the other hand, the interests of the Government, or considerations connected with the Court of Directors or the objects of their patronage, are attended to as matters of primary importance, to the neglect or prejudice of the interests of the people, who have no direct mode of representing their sentiments to their rulers, and no reason to be satisfied that their representations will produce their due effect. Your Petitioners therefore submit that the Legislature of India should be a body not only distinct from the persons in whom the political and executive powers are vested, but also possessing a popular character, so as in some respects to represent the sentiments of the people and to be so looked upon by them.

Laws are now made by the Executive.

11. That it is a most unprecedented circumstance that, though the natives of India have, for the best part of a century, been subjects of the Crown of Great Britain, they have not, to this day, been admitted to the smallest share in the administration of the affairs of their country, but have continued under a Government that unites in itself the legislative and executive functions, and avails itself of those powers to make such laws as may subserve its own financial purposes, often without reference to the interests and wishes of the people. It is known to your Right honourable House that, from the commencement of that Government, the power of making laws and raising taxes has been exclusively in the hands of the Governor-general in Council, appointed by the Court of Directors, and that, till within a few years, the people knew nothing of the intention to pass laws till after they had been passed and translations sent to the courts in the interior; and that though at present it is the practice to publish drafts of intended laws, yet as there are no organized bodies to take their provisions into consideration, such publication is in almost all cases wholly insufficient. Moreover, the deliberations of the Legislature are carried on with closed doors, and the people have no opportunity, either of learning the grounds on which the laws are enacted, or of being heard by counsel when desirous of submitting their remonstrances.

No attention paid to remonstrances.

12. That not only are laws enacted without reference to the people, but they are enforced against the strongest complaints and remonstrances. Thus in violation of the pledge given by the Regulation XIX. of 1793, "That the claims of the public (meaning the Government) on their lands, provided they register the grants as required, shall be tried in the courts of judicature, that no such exempted lands may be adjudged to the payment of revenue until the titles of the proprietor shall have been adjudged invalid by a final judicial decree," a new species of court was created by the Regulation III. of 1828, which was presided over by the collectors of revenue, officers who were in every respect unqualified for the judicial office, but whose orders, when confirmed by one or more of the special commissioners, another special tribunal at the same time erected, were declared to be final, contrary to the meaning and intent of the 21st section of 21st Geo. 3, c. 70. But though several petitions were at the time presented to the Government from several parts of the country, complaining of the innovation, as well as of the hardship of the resumption proceedings which were carried on under the orders of the Government, no attention was paid to them, nor was any explanation vouchsafed as to the grounds of the law or the justice of the proceedings. From the Appendix to the Report from the Select Committee of the House of Commons on the Affairs of the East India Company, printed in 1832, your petitioners find that the Government, in reporting on the subject on the 23d February 1830 to the Court of Directors, "to whom alone," as they state, "they felt it incumbent on them fully to explain the grounds of their proceedings," remarked, "that to object to the inquiry and award of a collector on the ground that he is a Government officer, and must therefore be a partial judge, was a mere prejudice." The Court of Directors, in their reply of the 28th September 1831, your

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petitioners find, informed the Government that, after full consideration, they had "come to the conclusion that collectors should not be the judges in resumption questions;" but they gave no orders to rescind the objectionable law. From these facts, which are especially alluded to, because the proceedings of the authorities therein have been published, it will be apparent to your Right honourable House that even the power given to the Court of Directors to disallow laws passed by the Government, is inefficacious even as regards such laws as are contrary to all sound rules of policy.

13. That as a further example of the inattention of the Government to remonstrances, even when violating (to use the terms of the Charter Act of 1813,) "the principles of the British Government on which the natives of India have hitherto relied for the free exercise of their religion," your petitioners refer to the Act XXI. of 1850, which, under the guise of extending the principle of section 9, Regulation VII. of 1832 of the Bengal Code to the other presidencies, the provisions of which had never come into operation, alters the rules of inheritance of the people of this country, which are well known to be based upon their religious tenets, by allowing persons excluded from caste, whether on account of immoral or infamous conduct, or of change of religion, to inherit, contrary to the express rules of the Hindoo law. On learning the intentions of the Government, many of the people of Bengal and Madras united to remonstrate against it, on the ground of the guarantee given them that their laws and customs should be respected, and of its being the tendency if not the design of the intended law to facilitate proselytism to other religions. But these remonstrances were not even noticed by the Government, although sound policy and the pledges given to the people required that no alteration should be made in the rules of inheritance without their consent, especially when it could not be asserted that any public inconvenience had attended the operation of those rules.

Plan of a Legislative Council.

Board of Control.

14. That for these and other reasons, too numerous to be detailed, your petitioners consider the power of making laws and raising taxes conferred exclusively on the Governor-general in Council, to be impolitic as well as unjust to the native subjects of the British Crown, even with the reservation of the power of disallowing laws made by them, which has been vested by the Charter Act in the Court of Directors. Hence they are desirous that the legislature of British India be placed on the footing of those enjoyed by most of the colonies of Her Majesty, and that legislation be carried on with open doors, so that the people may have full knowledge of the proceedings, and an assurance that their wants and interests will not fail to be cared for. They accordingly submit, for the consideration of your Right honourable House, the propriety of constituting a Legislative Council at Calcutta, composed of 17 members, three selected from among the most respectable and qualified native inhabitants of each presidency, to represent the natives thereof; one member appointed by the Governor of each presidency from among the senior civil officers on its establishment, to represent the interests of the Government; and one member appointed by the Crown, in the same manner as the fourth ordinary member of Council is now appointed, who shall be a man of legal education, and preside over the Council. The members of the Council should continue in office for five years, during which time they should hold no other office under Government. To ensure their acting independently of the influence of the Government, they should not be removable even by the Crown, as under section 74 of the Charter Act, the servants of the Company are removable at will by the Crown; but any member who may be accused of misconduct, may be liable to prosecution in the criminal court. The members should receive, during their continuance in office, honorary distinctions, such as are given to members of legislative bodies in Great Britain and the colonies, besides a reasonable salary. Until the people are considered qualified to exercise the right of electing their own delegates to the Legislative Council, the native members may be nominated by the Governor-general, in communication with the Governors of the several presidencies; but certain rules may, at the same time be framed, by which the people of any presidency or province may have the power of objecting on specified grounds to any appointment so made, for which purpose the appointments should be notified in the English and vernacular gazettes of the presidencies. The law commission, which was established by sections 53, 54 and 55 of the Charter Act should be abolished, as the purposes for which it was appointed will be fulfilled by a Legislative Council formed on the comprehensive basis herein suggested.

Abolition of Law Commission.

Powers of the Legislative Council and the Supreme Council.

15. That in the event of the formation of a Legislative Council, distinct from and independent of the executive, being approved of by your Right honourable House, your petitioners submit that that body should have the same powers in regard to the proposing, making and cancelling of laws, as are now vested in the Governor-general and the four ordinary members of Council, but that the laws framed by them should be submitted to the Supreme Government for confirmation. The Governor-general in Council and the Governors of the presidencies, as well as any portion of the people by petition, should have the power of proposing drafts of laws to the Legislative Council, in the manner and on the conditions prescribed with respect to Governors, by section 66 of the Charter Act, that is to say, that the authorities named may propose drafts or projects of laws, with their reasons for proposing the same, and that the Legislative Council shall take the same and such reasons into consideration, and communicate their resolutions thereon to the authorities by whom the same shall have been proposed. The laws which may be framed by the Legislative Council should be submitted to the Supreme Council, with all the documents on which they may be based, or which may elucidate their object and tendency, and should receive the early attention of that Council; and as all the preliminary inquiries will have been made by the Legislative Council, and great

great weight will be due to their opinions as representing the interests of the whole community, it will not be improper to require that the Governor-general in Council should communicate his sentiments thereon, within three months from the time they are submitted to him, or that on the lapse of that period his concurrence should be implied, except in the case of his previously informing the Legislative Council of his inability to come to a conclusion within that period. Whenever the laws so framed and submitted are disallowed by the Governor-general in Council, the grounds of disallowance are to be communicated to the Legislative Council, and that body are to have liberty to move the Imperial Parliament to pass the laws in question.

Control of Parliament.

16. That the power conferred on the Court of Directors by section 44 of the Charter Act, to rescind any laws passed by the present Legislative Council, is inconsistent with the independence and dignity of a legislative body. Your Petitioners submit that such power should in any case be taken away, and that the laws framed by the Legislative Council and approved by the Supreme Council on the plan above suggested, should not be liable to repeal or alteration, save by the paramount authority of Parliament. But if any Bill be brought in Parliament to repeal any act of the Legislature of India, or make a new law on any point affecting the inhabitants of India, 12 months' notice thereof should be given, to allow the Legislative Council, or any portion of the people, to take measures for being heard by counsel, at the bar of both Houses, on the subject of the Bill.

Declaration of non-interference with religion of the natives.

17. That your Petitioners take this opportunity to submit to the consideration of your Right honourable House, the propriety of embodying in the Act which may be passed for the regulation of the affairs of India, a declaration that the use of their religious laws and institutions is guaranteed to the natives; and that no laws subversive thereof shall at any time be passed by the local legislature or the Imperial Parliament, unless they be in consonance with the general feelings of the natives themselves. Your Petitioners have had reason hitherto to be satisfied as to the consideration entertained by Parliament towards the religion of the natives, an instance of which is to be found in the instruction contained in the 85th Section of the Charter Act, to provide with all convenient speed for the protection of the natives of the territories thrown open to Europeans, "from insult and outrage in their persons, religions or opinions." But so far from that instruction being complied with, the local legislature have, as already set forth, endeavoured to set aside laws founded on the sacred books, both of Hindoos and Mahomedans, and turned a deaf ear to the remonstrances which have been offered by large bodies of the former religious persuasion. Your Petitioners are aware that a declaration made in the present day will not hinder a subsequent Parliament, if so minded, from passing a law contrary thereto; but they are also aware that when the rights of the people of England have been endangered, declaratory statutes (of which the petition of right is a signal instance) have over and over been had recourse to, and have been found to be highly valuable for the assertion and maintenance of those rights.

Local Governors.

18. That the appointment of the Governor-general to be also Governor of Bengal, and in his absence a member of council to be Deputy-governor thereof, is very disadvantageous to the public interests. The Governor-general being usually a person without any Indian experience, and the Deputy-governor having, in more than one instance, been a military officer, without experience in civil business and the peculiar revenue and judicial systems of the country, and having no councillors to supply their deficiencies as to local matters, have necessarily been dependent to a certain extent upon the secretaries. On the other hand, the administration of the Government of Agra has in more than one instance been conducted in a satisfactory manner, in consequence to a certain extent of their Indian experience, by governors without a council; while the affairs of the Presidencies of Madras and Bombay, under governors who generally come to their governments unacquainted with the state of the country and the institutions of the people, and are compelled to rely on the aid of highly paid councillors, are not more satisfactorily conducted than those of Agra. Your Petitioners, with reference to these facts, submit that the public service will be best promoted by providing that each presidency should be under the management of a separate governor, but without councillors; that neither the Governor-general nor any member of the Supreme Council should, in any way, participate in the government of any presidency or any other portion of territory; and that the governors should be selected by the Board of Management from among the ablest civil officers of the presidencies to which they are appointed, or other persons of suitable qualifications and local experience, due care being taken to supply vacancies by making provisional appointments. Your Petitioners also submit that to each government there should be a secretary, qualified, by his knowledge and experience in the revenue and judicial departments, to give useful advice to the Governor, whom it should be the duty of the Governor to consult, and who should be required to offer his opinion in writing to the Governor, in all matters; that in all important cases, in which the Governor may disregard the opinion of the secretary, both of them should record their opinions, for the eventual consideration of the Governor-general in Council or the Board of Management; and that, under the secretary, there should be a sufficient number of deputies in each department.

Appeals from the Governors.

19. That by sections 65 and 68 of the Charter, the several governments have been placed in dependency on and subjection to the control of the Governor-general in Council; but your Petitioners submit that to render that subordination of practical benefit, an appeal to the Supreme Government from the orders of the governors should be allowed under certain limitations.

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limitations. On the other hand, to allow public officers to perform their duties with confidence, it should be a rule that no officer directly appointed by Government shall be removable from office except after a regular trial before a competent court for official delinquency. On the same ground, your Petitioners are humbly of opinion that the power vested in the Court of Directors, by Section 75 of the Charter Act, to dismiss their officers and servants at pleasure, should not be maintained, as regards public servants in India, holding civil offices by the appointment of the local governments. The power of removing a public officer ought to be exercised only on public grounds. Therefore, officers of the several governments in India should not be removable by the Board for the Management of the Affairs of India, except upon grounds recorded by them previously to removal, and every servant so removed should have the right of appeal to the Privy Council.

Economy in the public service.

20. That all improvements in the administration, however urgently called for, are now postponed, on the ground of insufficiency of resources. It is also generally admitted, by all persons qualified to judge of the subject, that the higher offices in India are too highly paid, but the lower ones very inadequately. Your Petitioners submit, therefore, without raising any question as to the method in which the revenues of the country are applied, although such question is not unworthy the attention of your Right honourable House, that there should be a reduction of the salaries of the higher offices, and that the saving thereby effected should, in part, be applied to the increase of the allowances of the lower, which are confessedly inadequate to their duties and responsibilities, and, in part, to those improvements which the condition of the country has long demanded at the hands of its rulers. The salaries of the Governor-general, the members of Council, the local Governors, and the principal covenanted officers, are on an exorbitant scale, and susceptible of great reduction without impairing the efficiency of the service. The Governor-general, in addition to his munificent salary, has all his travelling expenses, to an enormous amount, paid out of the public treasury, without control or responsibility. Such a state of things may fairly be thought to operate as an inducement to the individual holding the office to leave the seat of government without sufficient reason. It seems, therefore, expedient that the Governor-general should not have his travelling expenses paid out of the treasury, without limit or restriction, but according to fixed rules, and that such allowances should be granted only when it may appear, from a resolution of the members of Council, that his presence is required by the exigencies of the state at a distance from the seat of Government. Much public treasure is also expended, without any corresponding advantage, in paying extravagant salaries to Residents in the courts of the princes of India and other political officers, and to a large staff of assistants, and in granting large allowances to those officers for keeping a table, and other useless purposes. As the inhabitants of the country who contribute towards the revenue which is thus lavishly expended derive no benefit therefrom, it is just and proper that the opportunity should be taken to introduce an unsparing economy in these and other branches of the public services, and to apply the proceeds to those public works which may promote free intercourse between distant places, and facilitate the transport of merchandise to the farthest extremities of the British dominions.

The civil service.

Haileybury.

21. That section 103 of the Charter Act declares it to be "expedient to provide for the due qualification of persons to be employed in the civil service of the Company;" but the only provision which it makes for fulfilling the purpose consists in regulating the number of candidates to be admitted into Haileybury College, and the number of students of the college who, after passing "an examination in the studies prosecuted in the said college," shall be "nominated to supply the vacancies in the civil establishments in India." No provision was made for giving public employments to any other description of persons, however qualified by their ability and local experience; and from the want of it the people were left to understand that the declaration in section 87 of the Charter Act was merely nominal, and that the natives of the soil, who, under former governments, were without distinction admitted to the highest posts, were ineligible for public office under the British rule. It is, however, acknowledged by most persons in India who are competent to judge, and not biassed by interested motives, that the present mode of filling the most important public offices is prejudicial to the interests of good government, and incapable of improvement, except by a radical change in the system. The civil servants selected by the Directors are sent out to this country before their capacity can be ascertained; the education they receive in England is insufficient to fit them for the various offices they are destined to fill; they are posted to important offices at an extremely early age, without the certainty, without even a reasonable probability of their possessing the requisite qualifications; they are removed from one office to another of a dissimilar kind, and from one province to another, different in respect to language and people, without being afforded opportunity to acquire sufficient experience; the certainty that they are to be provided for, and even promoted, by seniority or home influence, renders some of them indisposed to qualify themselves by diligent study of the laws and regulations, and the customs and manners of the natives; their inexperience and official inaptitude lead many to depend, to a late period of their public career, on their ill-paid ministerial officers; their peculiar advantages and connexion with each other, by birth or marriages, lead them frequently to regard themselves as a distinct and privileged class, and to treat the other classes of the community with arrogance and harshness, and support each other's errors and defaults; the charges preferred against them for corruption or official misconduct are not investigated in a public manner, or by a tribunal in whose impartiality the public have confidence, but, on the contrary, the general impression

sion is, that the preferring of charges is as much as possible discouraged; they are not liable to personal prosecution in the Company's courts for acts of injustice and oppression, and the Government have endeavoured to shield them from the consequences of prosecutions in Her Majesty's courts, by declaring, in the terms of Act XVIII. of 1850, that they are not to be held responsible if they believed themselves to have acted in their official capacity. The punishment inflicted on them by the Government for the grossest irregularities and faults are almost nominal, and, in most cases, officers removed from one department in consequence of misconduct, are merely transferred to another. There are, of course, many bright exceptions among the civil servants of the Company to the general description here given. Many of them would do honour to any service, both in point of ability and of conscientious discharge of duty. But your Petitioners are speaking of the system which admits of the evils they are pointing out. Your Petitioners are therefore of opinion, that the College of Haileybury, which is maintained for the education of civil servants, should be broken up, as an institution in no respect fulfilling the objects for which it was established, or, if maintained, that it should be made self-supporting; that if any portion of the patronage to offices in India is, for any reasons which may appear sufficient to your Right honourable House, to be continued in the future Board for the Management of the Affairs of India, it should be rendered conditional on the selection of persons of unquestionable fitness and capacity; that the rest of the offices in the country should be thrown open to the natives on the same condition, and that promotions should be made by the local governments, without respect to distinctions of covenanted or uncovenanted, European or native, but solely with reference to the talents and qualifications of the parties, and thus effectually carry into effect the intentions of Parliament, expressed in the 87th section of the Charter Act.

22. That your Petitioners submit that not more than a moiety of the patronage should be vested in the Board for the Management of the Affairs of India, exclusive of appointments of Governors-general, Governors of presidencies, and members of the Supreme Council, and military and naval officers; and that the other moiety should be assigned to the Governors of the several presidencies, for the benefit, with some exceptions, of the natives, without reference to descent or creed. It should be provided, however, that instead of selecting youth whose character and abilities are not sufficiently developed, and who are afterwards to enter college, to prosecute studies which are deemed necessary to qualify them for office, the Board of Management and the Governors shall be at liberty to select those persons who have obtained a suitable education at their own expense, at any establishment which they may prefer, and who have given evidence of their proficiency by undergoing such examination as it may be determined to prescribe. By thus throwing open public offices to public competition by British youths in the United Kingdom, and by native youths in India, the expense of educating young men for public offices will be avoided; the temptation which now exists to confer patronage on grounds of family connexions, friendship or obligations will be taken away, and suitable persons will be chosen for offices, instead of offices being provided for men. Moreover, instead of providing for one examination as to fitness for admission into college, and another as to qualifications acquired there, which examinations are practically found to be (as it is generally supposed by reason of private interests) more nominal than useful, it will be necessary to have one set of examiners in England and one in India, and the test of qualification may be made as rigid as can be desired. Nor can it be alleged that many educational establishments will not be found in England and India, adapted to qualify young men for public service, by imparting to them education of the requisite standard, a fact which itself demonstrates the inexpediency of maintaining, at a great expense, the College of Haileybury. Such a system of public competition for admission into the civil establishments of India being established, the Board of Management may select, out of the candidates who pass a public examination in England, the number of persons they have the privilege of nominating, and such persons should, on passing an examination in India, in the vernacular languages, be eligible to the higher offices, with reference to their age, experience and talents, in common with those who have hitherto been sent out under covenants. In the same manner, the several Governors should have the right to select out of the natives who are declared eligible after examination in India, the number they are entitled to appoint. The selection of the Governors should be confined, except in special cases, to the natives; because, if a latitude is given, the result will be that the preference will, for the most part, be given on other considerations than merit, and the selection of natives will form merely an exception to the general rule. To provide for special cases, the Governors may be authorised, whenever they see need, to select for the higher offices others than natives, after they have undergone the examination prescribed; and whenever such special appointments are made, it should rest with the Board of Management to confirm them or not, according as they are satisfied as to the validity of the grounds recorded by the Governors for departing from the general rule. It should, however, be distinctly provided, that the salaries of Europeans and natives, who are appointed after passing the prescribed examination, should be equal, and the two classes should be in every respect on a footing of equality. It may be advanced that the natives, who are in their own country, do not require to be paid so highly as those who are sent out from the United Kingdom; and indeed this is the principle acted upon by the local governments, in pursuance, part no doubt, of the instructions laid down for their guidance. But a proposal to lower or raise the salary of an office, according as it is to be enjoyed by a person from the north or the south part of Great Britain, would justly be considered both absurd and invidious; and the adoption of it would be especially impolitic in India, where

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it could not but have the effect of perpetuating distinctions between Europeans and natives, and introducing all the injurious consequences incident to distinctions of colour and creed.

23. That it being essential to the good government of the country, as already set forth, that full effect should be given to the provision of section 87 of the Charter, that all offices shall be open to all persons without distinction of caste, colour or creed, your Petitioners submit that the distinctions of covenanted and uncovenanted should at once be abolished, so far as may be consistent with the present arrangements, and with the rights which may be considered to belong to those who have been sent to India under covenants. The enactment of the rule just cited is a proof that the civil servants now on the establishment cannot claim the right to be appointed or promoted to particular offices, and that, without injury to their rights, any persons not of that service may be appointed to any offices for which they may be qualified. And your petitioners desire merely this, that appointments and promotions should be dependent strictly on qualification and merit; so that, on an office being vacant, such person only should be appointed to it as may be judged best deserving, whether he be a member of the civil service, or a person who has been selected after examination in England or India, or a person who has qualified himself by serving in any subordinate capacity. The same end may be effected by placing civil servants and other servants, as far as practicable, under the same rules in regard to their tenure of office and privileges, such as leave of absence and so forth. The distinctions at present existing on these points are as marked as they are unjust, such as that the covenanted servant cannot be dismissed without trial by a commission, while the uncovenanted may be removed without any proved misconduct, on the mere report or the pleasure of his superior officer; and that the covenanted officer should be allowed opportunity to recruit his health with small loss of salary, but the uncovenanted, in most cases, only on the condition of giving up his post. From the abolition of such distinctions, your Petitioners expect the most important benefits to India, not only as the means of imparting a healthy tone to all classes of public officers, but as the germ of freedom and independence among all ranks of the people. Keeping these circumstances in view, your Petitioners have entered into details which they would not otherwise have obtruded on the attention of your Right honourable House: and with reference thereto they would add, that persons who pass a successful examination in this country, but fail to be selected by the Government for the higher posts, within three years from the date of examination, should undergo a second examination to become again eligible for the higher posts, but they may be furnished with diplomas which shall entitle them to a preference over other untried candidates, in obtaining any inferior situations which they may apply for. Thus provision will be made for filling superior as well as inferior offices with duly qualified persons, who shall have constantly before them motives for further improvement, in the prospect held out to all, without exception, of rising to the very highest dignities.

The judicial system.

24. That the Company's courts are not so constituted as to render substantial justice to the natives, or afford them a just confidence as to security of life and property. It is a cause of further dissatisfaction that there should be one court specially for the Europeans, of which the judges are selected from among persons who have given proof of their legal fitness, and the advocates are persons who have undergone a course of legal training, and another court for the natives generally, of which the judges have no legal knowledge or experience before their appointment, and the pleaders are very insufficiently qualified for their important duties. That dissatisfaction is aggravated by the facts, that a special exception is made by section 46 of the Charter Act against granting to any of the Company's courts the power of life and death over British subjects, while the lives of natives are freely placed at the disposal of courts clearly implied to be ill-constituted; that while, owing to the numerous reforms required in the laws and forms of judicial procedure in this country, the objections of British subjects to the Company's courts and the Company's judges have been allowed, those courts and judges should be deemed quite good enough for them; and that, out of the large revenues which are yielded by the proceeds of their labour, a sufficient sum should not be appropriated towards rendering the courts really capable of affording them justice. Without desiring that British subjects should, by being subject to the local courts, be deprived of the benefit of good laws, administered by qualified judges and juries of their countrymen, your Petitioners humbly conceive that there should be equal laws and good courts for all classes of Her Majesty's subjects, without exception, and not one set of laws and courts for British subjects, and another set of laws and courts for natives. The appointment of a law commission, under the 53d section of the Charter Act, with the view that "a general system of judicial establishments and police, to which all persons whatsoever, as well Europeans as natives, may be subject, should be established in these territories at an early period," has been wholly inefficacious, and the commission has, consequently, been for many years in abeyance. The instructions contained in the 82d and four following sections of the Charter Act, to provide against any mischiefs or dangers that may arise from the free admission of Europeans into the territories administered by the Company, have also been inoperative; for although by an Act of the local legislature (IV. of 1837) it is declared that Europeans shall be subject to the laws under which natives acquire and hold property in land, it has been found that the penalties to which the latter are subject do not apply to the former, in consequence of their exemption from the criminal law of the country; so that while a native proprietor of land is punished by the magistrate, his European co-sharer in the same estate cannot be visited with any punishment.

25. That

25. That the civil courts of the country are composed of two classes, namely, those to which natives are usually appointed as judges, and those to which European civil servants are exclusively appointed. The highest grade of native judges, styled principal sudder ameens, receive salaries (400 rupees per month, and in special cases 600) not greater than are commonly given to clerks in public and private offices, without any prospect of promotion to a higher office, but are vested with power to try all civil suits for property of any amount, and also to hear appeals from the decisions of the lower courts. The civil servant is appointed on a salary of at least 2,000 rupees a month, with a prospect of rising to the highest posts, and is expected almost exclusively to decide those appeals which involve a value not exceeding 5,000 rupees. Being selected to be the judge of an appellate court, without having acquired any experience of judicial business or any knowledge of the forms of the lower courts, his decisions, whether passed under the dictation of the ministerial officers, or in accordance with his own notions, are devoid of weight. But while the decisions of experienced native judges are liable to be reversed by a single European judge, without any judicial experience, the decisions of the same judges regarding property of a higher value than that above mentioned are appealable to the Sudder Dewanny Adawlut, and cannot be reversed without the concurrent opinions of two judges of that court. The decisions of that court, as exhibited in their printed reports, show, that from 1845 to 1851, out of 2,667 appeals heard from the decisions of covenanted and uncovenanted judges, the decisions of the covenanted judges were confirmed in 215 instances, reversed in 167, and remanded for further investigation in 683, while those of the uncovenanted judges were confirmed in 559 instances, reversed in 238, and remanded in 667 instances, from which your Right honourable House will perceive that, on the whole, the decisions of the uncovenanted were more satisfactory to the Sudder Court than those of the covenanted, and that nothing can be more anomalous than the position in rank and emolument which the two classes occupy.

Inadequacy of native salaries.

Appeals.

26. That the criminal courts of the Company are those of the magistrates and the sessions judges. The former act in the double capacity of superintendents of police and judges of cases not liable to a sentence exceeding three years' imprisonment. In the former capacity they have been acknowledged by their superiors to have a strong leaning towards the conviction of those who are brought before them for trial. In the latter capacity they are authorised, in certain cases, even to adjudge imprisonment and fine without appeal, and in general they exercise, according to the admissions of high authorities, powers which are not committed to magistrates in any civilized country, and for which they are disqualified by their youth and inexperience. Commitments made by them are tried by the sessions judge, with the aid of assessors, composed at his option of a Mahomedan law officer or two or more natives. The opinion of the law officer cannot be set aside except by the Nizamut Adawlut; but when other assessors are employed, the decision rests exclusively with the sessions judge. Cases involving capital punishment, and some others, are referred to the Nizamut Adawlut, and appeals from the sentences passed by the sessions judges are also heard by that Court. It will be evident to your Right honourable House, that when the trials have been held in the first instance before an officer not sufficiently qualified for the duties of his high office, without any of the securities to be found in the verdict of a jury, or even the presence of advocates qualified to act as a check on the judge, the transfer of the record of trial to a distant court, the judges of which, for the most part, hear the records, which are in a foreign language, read to them, either in their private dwellings or in court, cannot in any manner supply, but must rather increase the defects of the original trial. Nor can the people of this country understand, when every Briton is entitled to be tried by a jury of his peers, why they should not enjoy the same privilege.

Criminal courts.

27. That, for these and other reasons, your petitioners are desirous that both the civil and criminal courts of the country should be remodelled; and that, instead of the numerous, complicated and defective systems, there should be courts guided by uniform rules of procedure, presided over by judges qualified by education and legal abilities, and having full authority over all classes of persons without exception. To this end your petitioners submit, that the Sudder Court and the Supreme Court should be amalgamated as soon as possible; and that courts should be formed on the same principle for every district, having the same rules of procedure, with jurisdiction over all classes of the inhabitants, both at the presidency towns and in the country. The local laws should be the guide of the new courts, except as to questions of marriage, inheritance, and so forth, in regard to which the laws of the parties should be followed as heretofore. The courts formed on the principle alluded to at the presidency towns, should be courts for the hearing of appeals from the lower courts, and for controlling the proceedings of those courts. In the same towns, civil courts of first instance should be established under single judges, which should also be courts of sessions, in which trials should be held with the aid of juries. At Agra, where, though the seat of the new presidency, there is no Queen's court, a chief court should be established, similar to the new courts at the presidency towns, consisting of a number of judges of the Sudder and one judge on the part of the Crown. In framing rules for it, the technicalities of the English law should be avoided. Its proceedings should, as far as practicable, be in the vernacular language. As the wants of the judges of the Sudder Court at Calcutta are supplied by translators, who prepare English translations of the vernacular pleadings, so additional translators may be employed to facilitate a knowledge of such pleadings by judges of the new court, so as to relieve suitors from the expense of preparing pleadings in English, until, in course of time, judges can be found who are familiarly acquainted with the languages of the people. Oral pleadings may be carried on in English or the vernacular, according

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according as the pleaders employed are conversant with either language, following herein the rule which has been introduced since the admission of barristers to plead before the Sudder Court.

Courts in the interior.

28. That for the districts in each presidency, it is expedient to remodel the civil and criminal courts, to promote their efficiency and render them capable of affording justice to all classes. For the present, and with a view not to entail much expense at the outset, three grades of judges and courts may be established, having both civil and criminal jurisdiction,—moonsiffs, principal sudder ameens, and judges. The moonsiffs should have jurisdiction in civil suits, but extended from the present limit of 300 to 1,000 rupees, and on the criminal side they should be empowered to try misdemeanors and petty felonies, and to commit to the sessions cases beyond their competency to try. Their salaries should be raised, so as to be adequate to their duties. They should have, according to extent of local jurisdiction, assistants, selected from diploma holders, on a sufficient salary, including travelling charges, who should be employed in the preparation of cases, and in holding local inquiries in the place of ameens, officers who are now employed in such duties. The commission which is paid to these may be carried to the credit of Government. The assistants will thus qualify themselves for judicial duties, and should be considered entitled to promotion after three years' service in the lower capacity. The principal sudder ameens should have jurisdiction, as at present, in all original suits for an amount exceeding 1,000 rupees. The salary of the office should be made proportionate to its importance, and the designation altered to that of junior judge. The judge should have jurisdiction as to original suits; but in trying appeals from the moonsiffs' decisions, he should sit with the junior judge, but, in case of difference, have the casting voice. When the two functionaries are unanimous in deciding an appeal, both as to the law and the facts, the special appeal to the superior court may be limited to points of law; but when they differ as to facts, the special appeal may be both as to the law and the facts. In such civil suits as affect the person or character, as for libel, assault, and so forth, either party may call for a jury. The verdict of the jury may, as suggested by the Commissioners on the Amendment of the Law, be given according to the opinion of three-fourths of the number if they cannot come to an unanimous conclusion before six hours, and such verdict should be binding on the judge. With reference to the relative powers of the judge and the junior judge, and the frequent chance of the decision of the latter, owing to his superior judicial experience, being better than that of the less experienced officer set over him, by the fortune of belonging to a privileged class, it is inexpedient that the decisions of the one should be appealable to the other. The decisions of the judge and the junior judge at their separate sittings should therefore be directly appealable to the superior court at the presidency.* This arrangement will obviate the anomaly of one appeal being decided by a single judge, and another by three judges, for no other reason than that, in the former, the value of the subject of dispute may amount to 5,000 rupees, and in the latter to one rupee more. It will also diminish the number of special appeals which are now preferred, and which the Sudder Court are under the necessity of discouraging to avoid being swamped by them; it being obvious that, however cogent the reasons which induce the Government to place an officer who is wholly without judicial experience over one who has grown grey in the judicial office, they cannot prevent the people from being dissatisfied with the decision of the youthful superior, when it is counter to that of his older subordinate. For the same reasons, it is obviously improper that the judge should have to report annually on the qualifications and conduct of his junior colleague, and even be empowered, in conjunction with the commissioner of revenue, to recommend his dismissal. Both the officers should, therefore, be as much as possible on a footing of equality, such as exists between the chief and puisne judges of the Queen's courts, and placed directly under the control of their mutual superior court. It may not be out of place to add here, what has been suggested with regard to public officers in general, that no judicial officers, whether Europeans or natives, should be removable from office, except by a regular trial before a competent court. To ensure the offices of judge and junior judge being, in future years, filled by persons of judicial experience, not liable to the objection to which covenanted judges are open under the present incongruous system, such as the appointment of postmasters and superintendents of the opium, salt and abkaree departments to seats on the bench of appellate courts, without previous legal training, it should be provided that persons, who have, after examination, been sent out by the Board for the Management of the Affairs of India, or in a similar manner selected by the local Governments, to fill the higher civil offices, shall commence their career in the judicial line by being appointed as assistant judges, and attached, some to the court of the judge, and some to that of the junior judge, to be employed nearly in the manner mentioned as regards assistants to moonsiffs, and promoted after due probation, according to the aptitude they may display. As mentioned with regard to moonsiffs' decisions in civil suits, appeals from the sentences of those officers in criminal cases should be heard by the judge sitting together with the junior judge, whose order shall be final when both officers are agreed, but subject to special appeal to the Nizamut Adawlut when otherwise, in the same mode as is provided regarding civil cases. Persons committed to the sessions should not be tried with the aid of Mahomedan law officers, or with any of the descriptions of assessors sanctioned by the Regulation VI. of 1832 of the Bengal Code, but invariably by a jury of their peers, whose verdicts shall be taken in the mode suggested with regard to civil suits. In the trial of commitments, as of appeals, the judge should be joined with the junior judge. But the sentences passed should be subject to appeal to the superior court on points of law only.

29. That

The police and magistracy.

29. That the police of the country has always been in a state not at all creditable to an enlightened Government, and has, indeed, been acknowledged by the servants of Government to be "as bad as can be."* The Court of Directors have, it is true, expressed themselves solicitous of the improvement of the police at any cost, but their solicitude has been without any effect. The Government, on appointing a Police Committee in 1837. to hold inquiries on the subject, strictly prohibited the suggestion of any reforms which should "involve any great increase of expenditure." From that date to this, no reforms have been attempted beyond the appointment of a few deputy magistrates, and, very recently, of a Commissioner for the suppression of dacoity in certain districts. Hence the utmost insecurity of life and property prevails in every district, and even in the immediate vicinity of the metropolis of British India. The Government have always possessed considerable resources for forming an efficient police, derived in part from the allowances or produce of lands which had been originally assigned for the police, but were resumed by the Government with a view to be applied to their legitimate purpose, but chiefly from the produce of the stamp tax, which was expressly imposed, with the exception of certain items, "for defraying the cost of the police." But out of an estimated revenue of thirty lacs of rupees so appropriable, not more than about seven lacs is actually expended on the police establishment of the whole of the Lower Provinces. The Government, however, instead of defraying a suitable sum for the maintenance of an efficient police, have recently published the draft of a law to convert the village watchmen, who are paid for immediately by the cultivators of the soil, into servants of the state, and to make the zemindars responsible for the default of the ryots in paying their private servants, a project which cannot but result in compelling the zemindars to pay twice over for the establishment of the police. Again, the zemindars, who have no necessary connexion with the police, have been arbitrarily burdened, by laws made without their knowledge or consent, with sundry duties which ought properly to be discharged by the covenanted servants and the subordinate police officers. The imposition of these duties, without being of any benefit to the country, is converted into an instrument of annoyance to the zemindars, by the magistrates and their ministerial officers, and of extortion by the darogahs. The zemindars are frequently summoned, though living at the other end of the province, to appear in the presence of the magistrate, to explain the cause of their not furnishing information of crimes of which they had, and could have had no knowledge; and the managers of their estates are frequently fined or even placed in duress for various alleged omissions of police duty, and in various other ways harassed by the ignorance or caprice of youthful magistrates. It has even been known that landholders residing at the distance of 50 or 60 miles from the scene of a dacoity, have been fined for not following and apprehending midnight robbers. The darogahs and other officers of police are furnished by the same ill-judged laws with means of practising extortions, by employing threats to report alleged instances of neglect of duty. The insufficiency of the police arises, not only from the small establishments maintained by the Government, but from the extensive jurisdiction of the magistrates, and the practice of appointing very young men to that office, and removing them to higher posts as soon as they begin to acquire experience. The extent of country which is to be travelled over to arrive at the station of the magistrate, the difficulty of obtaining access to that functionary, except through the medium of the ministerial officers, the necessity of presenting every petition in writing and on a stamped paper of the value of half a rupee (about four times the value of a labourer's daily wages), combine to render it a matter of impossibility to the poorer classes to obtain justice from the criminal courts. The large powers vested in the darogahs are liable to abuse, owing to the insufficient remuneration they receive, and the difficulty of exercising proper control over them. Their entrances into villages to trace out the perpetrators of heinous offences, or discover property alleged to be stolen, are regarded by the people as visitations. The fact is so notorious, that the Government have found it necessary to pass a law, the Regulation II. of 1832, to prevent the darogahs from investigating any cases of burglary, unless expressly desired by the party injured or directed by the magistrate. Hence it is difficult adequately to represent to your Right honourable House the actual situation of the poor in the interior, in consequence of the badness of the police system, since those who are most exposed to the attacks of the powerful and the lawless have most to dread the exactions of the officers of police, many of whom are actually in the pay of the rich, while some have been convicted of practising torture to attain their ends.

30. That, to remedy such a state of things, it is urgently required that a suitable augmentation of the police be made for the repression of dacoity and other crimes attended with violence, as well as that a sufficient number of magisterial officers, unencumbered with extraneous duties, be attached to every district. With reference to the increase of a sufficient police force, your petitioners desire to bring to the notice of your Right honourable House, as a most anomalous circumstance, that, according to the returns printed by authority, while the highest annual cost of the police of Bengal, which yields a larger revenue, and is more populous, was *Rs.* 10,24,142, the lowest annual expense incurred on the same account in the North-western Provinces was *Rs.* 17,30,000, and the highest *Rs.* 26,94,616. But whatever may be the requirements of the new presidency in this respect, your petitioners submit that a certain amount of the revenue expressly raised for the police should be spent for that purpose. The present system of village watch, which is entirely supported at

* *Vide* Police Committee's Report.

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at the cost of the ryots, is capable of being used as an auxiliary to the Government police; but the arrangements which may be considered necessary to adapt it to that end should be introduced with the approbation of the people generally, and without destroying the municipal character of the institution. Changes are also required in the office of the magistrate and his subordinates. The office of the superintendent of police for the whole of the Lower Provinces is inadequate to fulfil the objects for which it was re-instituted. The magistrates should perform the duty within their respective districts, but should have no judicial duties to perform. The office should also be everywhere separate from that of collector of revenue. At present a darogah is placed over a large extent of country, termed a thanna, but the arrangement is in many respects objectionable. The thannas should be broken up into a sufficient number of stations, with a jemadar and a certain number of burkundazes at each, according to local circumstances. A deputy magistrate should be placed over every two of the present thanna jurisdictions. The deputy magistrate should make the preliminary inquiry into every charge, and refer misdemeanors and petty felonies to the moonsiff's court for trial. Cases which appear to involve heinous crimes should be sent to the magistrate, who, if agreeing in the opinion of the deputy, should commit them to the sessions for trial. Cases referred to the moonsiff, which may be discovered by him to be of a heinous nature, should be committed by him to the sessions through the magistrate. The magistrates should be exclusively under the control of the Government, as now with regard to police duties, gaols, &c. It has been stated before that the magistrates act without being amenable to any tribunal for their irregularities. Your Petitioners therefore submit that the magistrates and their deputies should be liable for acts beyond their jurisdiction, and for undue exercise of authority, to actions for damages, which should be tried before the judge and the junior judge, with the aid of a jury. The proceedings of those officers should also be liable to be brought before the sessions courts by a writ of certiorari or other analogous proceeding.

Monopolies.

31. That the monopoly of the salt trade by the Company injuriously affects the poor, particularly those who inhabit the districts where only that manufacture can be advantageously carried on, as it interferes with their freedom of action and prevents saline lands, which are unfit for cultivation, from being appropriated by the owners to the manufacture of salt. Even the zemindars of such places are liable to severe fines, if unauthorised manufactures of salt are discovered on their estates, though unknown to them, so that they are compelled to act as revenue guards. A single zemindar has been known to be fined as much as 12,000 rupees at once. The selling price of salt is arbitrarily fixed by the Government, and is at all times so high that, though the country has abundant resources for the manufacture of the article, English merchants can afford to import it. The dearness of the article induces even those who live near the salt manufactures to use earth scraped from salt lands, while those who reside in the interior, have recourse to the alkali found in the ashes of burnt vegetables. The officers employed in the salt department are vested with judicial powers, contrary to all principles of justice and policy, and necessarily employ them very irregularly and vexatiously. The subordinate officers are furnished with opportunities, on pretence of preventing smuggling, of harassing the carriers of salt and the refiners of saltpetre. Your Petitioners are of opinion that, among other reforms required in this department, it is desirable that the Government, if they cannot immediately afford to forego so odious a source of revenue, should fix an unvarying rate of impost on the manufacture of salt, say 200 rupees on every hundred maunds, whereby not only the poor will be greatly benefited, but the laws will be rid of the anomaly of judicial excisemen and the traders of the harassment caused by the subordinate officers of salt chowkees. But as salt is a necessary of life, the duty on salt should be entirely taken off as soon as possible. The monopoly of the opium trade is not injurious to the country, so far as regards the revenue realized by the Government, as the monopoly price is ultimately paid by the consumers in China. But it is a source of vexation to the cultivators, who are compelled to cultivate the poppy, and supply the produce to the Government at the valuation fixed by their own officers. Nor can it be otherwise than that the cultivators should be at a disadvantage, and be liable to oppression, when the other contracting party is armed with all the power and resources of the state. Justice therefore requires that the interference of the Government with the cultivation should cease, and that the revenue derived from the drug should be in the shape of fixed duties on manufacture and exportation, but principally on the latter, as is in some measure the case with regard to Malwa opium. By the adoption of this principle, the cultivators will possess that freedom of action which all men possess under governments that are not constituted on arbitrary and despotic principles; and whatever is lost by such an arrangement, will be more than made up by the saving that will ensue from the abolition of the expensive establishments which are now necessary.

32. That the abkaree duties, or revenue raised from the sale of spirituous liquors and intoxicating drugs, and the stamp duties, levied by obliging litigants and complainants to write their petitions on stamped papers, are highly objectionable in principle. The former are levied on the opening of shops for the retail of the means of intoxication, and tend to encourage the consumption of liquors and drugs by the lower classes, and the increase of all the pernicious consequences that result from it. The Government, by appointing commissioners of abkaree and a host of ambulent subordinates, termed superintendents of abkaree, whose zeal for the interests of their masters is measured by the amount of revenue yielded by their respective divisions, have, of late, largely contributed to the deterioration of the moral and industrial character of a portion of the population. Measures so pernicious cannot

cannot be too severely condemned or too soon discontinued, even though a larger revenue were to be derived therefrom than is really the case. The legitimate purposes for which duties are imposed on the sale of liquors and drugs, will be sufficiently answered by imposing them on manufacture and exportation. The stamp laws, by which the other class of duties is imposed, also require material revision. The use of stamps in judicial matters does not answer the object for which they are avowedly imposed, namely, the diminution of litigation. On the contrary, they contribute to prolong litigation, as they involve on the courts, from the lowest to the highest, the duty of deciding points extraneous to the merits of the suits before them. For the purpose of the stamp revenue, every suit has to be valued according to certain rules laid down by the Legislature, the application of which is liable to much doubt and uncertainty. Hence questions are frequently raised as to the observance of those rules, and the decisions of the Courts of First Instance are subject to appeals to the higher tribunals; and many suits are nonsuited or remanded for re-trial, merely because the amount of the stamp has not been correctly estimated, however honestly the plaintiff may have formed that estimate. In some cases, when the plaintiff would willingly forego a portion of his claim, which may not stand on so clear a foundation as the rest, he is afraid to do so, lest his suit be altogether defeated by the objection that he has undervalued his claim, and that his stamp is therefore defective. The decisions of the Superior Court in the matter of stamps are not unvarying, and many constructions and circulars are issued to regulate the questions which arise, which are often modified or rescinded, circumstances which greatly distract and embarrass pleaders and judges in deciding such questions. And it may be fairly stated that not less than 10 per cent. of the decisions of the Company's courts turn entirely on considerations connected with this most absurd and injudicious system of raising a revenue. The operation of the stamp laws is still more directly injurious to the poorer classes in their pursuit of justice. Before they can prosecute a suit of any kind, they must not only incur the ordinary expenses of other courts, but also lay out, at the very outset, a certain sum in the purchase of a stamped paper, which in the most trifling case is a rupee, or eight times the daily hire of a labourer. Your Petitioners submit that laws of this description should not be permitted to exist. If a revenue from judicial proceedings be necessary, it may, with propriety, be drawn from those who maintain vexatious or groundless claims, or resist just ones, by imposing on them fines calculated on the scale of the present stamp law.

Revenue officers.

33. That the system of revenue administration pursued by the Company's Government is a source of vexation to all persons who stand in any relation thereto. The laws enacted for providing for the revenue are inequitable in principle, inasmuch as they provide for the interests of the Government, without regard to those of the subjects, and forbid the interference of the courts of justice to determine the fairness of the decisions of the collectors as to the amount of revenue assessed by them. The officers of revenue are vested with multifarious powers, being authorised in some cases to act as magistrates and also as civil judges, and thereby led at times to mingle together their fiscal and judicial functions, while many of their duties are left to be performed by irresponsible subordinates, who make use of their delegated powers to practise every species of extortion. The management of the revenue may be simplified by having, as has been recently done, but one Board for all branches of the revenue, with a sufficient number of members, both European and Native, who may go into the interior on circuit by rotation, and thus do away with the office of commissioner of revenue for a number of districts, which is shown by experience to be unnecessary under the present arrangements. The Board and the collectors of revenue should be divested of all judicial powers on the principle embodied in the preamble of the Regulation II. of 1793. The collectors of revenue should have deputies under them, according to size of district and extent of business. The salary of the office should be reduced, with reference to the relief afforded by the separation of revenue and judicial offices.

Works of utility.

34. That, though the revenue raised by the Company, both from the land and from other sources, far exceeds what was drawn from the country by its Mahomedan rulers, a very inadequate portion of it is devoted to improvements in the means of land or water communication. On the contrary, the funds which are raised expressly for providing the means of such improvements, such as the ferry funds and the tolls on rivers and canals, are usually carried to the credit of the Government. Accumulations of those funds, to the extent of several lacs, still remain in the public treasury, unappropriated to their specific purposes. Your Petitioners therefore submit that the funds in question, at the disposal of the Ferry Fund Committees, should be expended on local improvements, subject to the approval of Government, and also that judicial fines in the criminal department should be added to those funds. In the event of a surplus, after providing for necessary works of utility, a portion thereof may be placed at the disposal of the Government for general purposes.

Education.

35. That no provision has been made by the Company's Government on a suitable scale for the education of the natives. The sum authorised by Parliament to be expended on educational establishments was for years unappropriated. Since the establishment of the Committee of Public Instruction, several colleges and other institutions have been established in various parts of the country, partly with the public money and partly with the aid of endowments and other funds derived from private resources. But the education of the mass of the people has as yet been completely neglected, a sufficient indication of which will be found in the fact, that the total sum expended by the Government for the colleges and institutions in the Lower Provinces does not exceed three lacs per annum. Your Petitioners submit that the diffusion of education in the country, which can only be successfully attained

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through the medium of the vernacular languages, should no longer be neglected. They further submit that the university plan proposed by Mr. Cameron, late president of the Committee of Public Instruction, (in the Committee's Report for 1845–46,) should be established in each presidency. The plan provides for the admission of those who receive degrees in the law and other departments to practise at the bar of the Supreme and Sudder Courts, and to be engineers in the Government service, and so forth. But it should be modified so as to provide for educated natives entering the medical service, on the same footing with persons who have hitherto been sent out as assistant surgeons by the Court of Directors. An express rule on the subject is necessary, as it is well known that the young men educated at the Calcutta Medical College, who obtained diplomas after examination in London, failed, notwithstanding the recommendations of several eminent persons, to obtain that position in the medical service, which they were entitled to from their qualifications and the declaration in the Charter Act.

Ecclesiastical establishment.

36. That the provisions in section 89 and other sections of the Charter Act, for providing an ecclesiastical establishment expressly for the advantage of British subjects, are out of place among the arrangements for the government of British India. That government is for a mixed community, the members of which are of various and opposite sects, and the majority is composed of Hindoos and Mahomedans. It is therefore manifestly inexpedient that the Government should have any connexion with the appointment of the ministers of any religion. All sects should accordingly be left to support the ministers of their respective religions in the manner they deem most suitable. Your Petitioners do not object to the appointment of chaplains to the European regiments that are sent out to this country, as is done in the United Kingdom, nor to the appointment of a chaplain-general in each presidency for the government of the chaplains, but to the support of bishops and other highly paid functionaries, out of the general revenues of the country, for the benefit of a small body of British subjects. They submit, accordingly, for the consideration of your Right honourable House, the expediency of discontinuing the connexion of the Government with the ecclesiastical establishment; and in order that this may be done at an early date, they suggest that the cost of these establishments be charged to those civil and military servants at each presidency town or station who enjoy the benefit thereof; and that an increase be made to the allowances of those servants to enable them to meet the additional expense imposed on them by this arrangement, but without being continued to their successors, who should be left to bear this expense among others incidental to their position in this country.

Your Petitioners, having thus briefly enumerated the points which they deem worthy of the consideration of your Right honourable House, in connexion with the Charter of the East India Company, now on the eve of expiry, and which, so far as they depend on questions of fact, they are prepared to support by evidence whenever required, humbly pray that your Right honourable House will be pleased to make such arrangements, for the government of British India, as to your wisdom and justice may seem fit.

And your Petitioners, as in duty bound, shall ever pray.

PETITION, complaining of certain Grievances, and praying for the Improvement of the Government of India, of NEWCASTLE and GATESHEAD COMMERCIAL ASSOCIATION.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The Petition of the NEWCASTLE and GATESHEAD COMMERCIAL ASSOCIATION,

Showeth,

THAT, as it is intended to submit to Parliament some measure for the future Government of India, your Petitioners record their dissatisfaction with the limited extent of our commerce with that country, and the little progress made in the development of its varied resources.

That your Petitioners are of opinion,

Firstly. That it be regarded as the imperative duty of the Government of India to promote the cultivation of the soil, and to remove all obstacles which impede the progress of industry.

Secondly. That beyond making useful experiments, the Government should not be permitted to becomecultivators, manufacturers or traders.

Thirdly. That the Government be compelled to expend a portion of the revenues collected in India in the development of the resources of the country, as well as to afford every facility for its profitable occupation; that with this view, such public works should be

be promoted as are calculated to facilitate intercourse with, or improve the physical condition of, the population, to increase the production of cotton and other valuable raw materials, as also to encourage a system of general industry.

Fourthly. That 10 per cent. of the revenues of India be applied to the public works above alluded to, such as the construction of trunk lines of railways, the formation and improvement of roads and bridges, the deepening and other improvement of rivers, the formation and care of reservoirs and canals, the erection of piers, and construction of harbours, breakwaters, lighthouses, and all other engineering agencies required in a civilized and commercial country, under the control of a Board of Works, nominated jointly by the Imperial Government and the Indian Executive.

Fifthly. That prompt attention be paid to the removal of evils now existing in India consequent upon the uncertainty of the due administration of justice and the prevailing ignorance of the people.

Sixthly. That an annual detailed report on all East India affairs should, as was formerly done, be laid before Parliament by a Minister of the Crown.

Your Petitioners commend these propositions to the favourable attention of your Honourable House, and humbly pray that they may have statutory effect in any legislation for the future Government of India.

And your Petitioners will ever pray, &c.

For and on behalf of the Association.

E. WILSON CHALLONER,
Chairman.

PETITION, praying that in any Legislation for the future Government of India, Provision may be made for its internal Improvement and the carrying on of Public Works in that Country, of the MASTER CUTLER and CUTLERS' COMPANY of SHEFFIELD, under their Common Seal.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The Petition of the MASTER CUTLER and the CUTLERS' COMPANY of Sheffield and Hallamshire, in Meeting assembled.

Showeth,

THAT Her Majesty's Ministers, having announced an intention to submit to Parliament, during the present Session, some measure for the future Government of India, your Petitioners are anxious to record their dissatisfaction with the limited extent of our commerce with that country, and their regret that so little progress has been made in the development of its rich and varied resources.

That your Petitioners are of opinion that, in any enactment for the future Government of India, the following suggestions should be adopted:

Firstly. That it be regarded as the imperative duty of the Government of India to promote the cultivation of the soil, and to remove all obstacles which impede the progress of industry.

Secondly. That beyond making useful experiments, the Government should not be permitted to become cultivators, manufacturers, or traders.

Thirdly. That in conducting their financial operations, the Government should be forbidden to become purchasers of any kind of produce on their own account, or to receive by hypothecation, produce purchased by any other party.

Fourthly. That the Government be compelled to expend a portion of the Revenues collected in India in the development of the resources of the country, as well as to afford every facility for its profitable occupation; that with this view such public works should be promoted as are calculated to facilitate intercourse with, or improve the physical condition of, the population, to increase the production of cotton and other valuable raw materials, as also to encourage a system of general industry.

Fifthly. That 10 per cent. of the revenues of India be applied to the public works above alluded to, such as the construction of trunk lines of railways, the formation and improvement of roads and bridges, the deepening and other improvement of rivers, the formation and care of reservoirs and canals; the erection of piers and construction of harbours, breakwaters, lighthouses, and all other engineering agencies required in a civilized and commercial country.

Sixthly. That the application of the portion of revenue allotted to useful public works be under the control of a "Board of Works," established and conducted in India, the members of which should have full, extensive, but defined powers, and be nominated jointly by the Imperial Government and the Indian Executive.

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Seventhly. That the Government should give every facility for the permanent occupation of land by removing the objections so often urged to a fluctuating land-tax, by encouraging the purchase, for cultivation, of the waste and other lands of India, and by giving such certainty of tenure as will ensure the safe application of capital to the universal cultivation of the soil.

Eighthly. That prompt attention be paid to the removal of evils now existing in India, consequent upon the uncertainty of the due administration of justice, and the prevailing ignorance of the people.

Ninthly. That an annual detailed report on all East India affairs should, as was formerly done, be laid before Parliament by a Minister of the Crown.

Your Petitioners commend the foregoing propositions to the favourable attention of your Honourable House, and humbly and earnestly pray that the same may have statutory effect in any legislation for the future Government of India.

And your Petitioners will ever pray, &c.

MICHAEL HUNTER, Master Cutler. (L.S.)

PETITION for Repeal of the Act No. XXI. of 1850, of the Legislative Council of India, and of certain Regulations which interfere with the Enjoyment by the Hindoo Nation of their ancient Religion and Customs.

To the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the HINDOO Inhabitants of BENGAL, BEHAR and ORISSA, for themselves and the other HINDOO Inhabitants of the said Provinces,

Humbly showeth,

THAT your Petitioners and their Hindoo fellow-countrymen of the above-mentioned Provinces are greatly aggrieved in the enjoyment of their ancient laws and customs, in regard as well to rights of inheritance and property, as to religion, by an Act of the Legislative Council of India, being Act No. XXI. of 1850, intituled, "An Act for extending the Principle of Section 19, Regulation VII. of 1832, of the Bengal Code, throughout the Provinces of the East India Company," (a copy of which Act they annex to this their humble Petition); and having, by petition and memorial, and every means in their power, first endeavoured to prevent the passing of the said Act, and subsequently to procure its disallowance by the Honourable the Court of Directors, but without success, your Petitioners earnestly appeal to your Lordships against the said Act for such relief and redress as it may be in the power of your Lordships to give, and as the circumstances of the case may appear to require.

2. That from the Title and Preamble of the said Act, it might be supposed that the Act is a mere local extension to the other territories of the East India Company of a Regulation which was established in the year 1832 for Bengal; but that such is not the case, as your Petitioners will presently show.

3. That your Petitioners are advised and believe that the intention of the said Regulation was merely to protect from loss or forfeiture of property persons who should conscientiously change their religion, and especially such natives of India as should embrace the Christian religion. But the said Act, beside having this object, to which they object, for the reasons hereinafter given, extends to other objects not contemplated, as your Petitioners believe, by the authors of said Regulation.

4. Your Petitioners think it may be necessary to premise, for the information of your Right Honourable House, that all property of Hindoos, according to Hindoo law, descends, in case of intestacy, from the ancestor to the heirs, subject to the condition, that these shall, on the death of the former, make the necessary funeral oblations, and perform, during their lives, the periodical rites and ceremonies enjoined by Hindoo law and religion for the deceased line of ancestors; and the Hindoo's confidence in meeting death, and hope of a happy state after this life, depend on his assurance that this condition will be religiously and faithfully performed: and, by a just logical consequence, the Hindoo law confines the right of inheritance to such persons as are willing and able to perform, or join in performing, the said condition.

5. That

5. That by Hindoo law there are many other rights, and not merely relating to property, but also to other enjoyments, the possession and continuance of which depend on the performance of conditions derived from morality and religion; and in this pervasive connexion between private right and religious and moral obligation consist the vitality and strength of the Hindoo social organization: it is the common bond by which society has been preserved from dissolution during several periods of war, anarchy and convulsion, and is preserved in the present day under British rule.

6. That the said Act strikes at the foundation of this system of property and obligation, and that your Petitioners earnestly implore the attention of your Right Honourable House to a brief analysis of the said Act, which they offer with a view to demonstrate its extensive operation: on an analysis, it appears that it deals with certain persons and certain rights. The persons, in the words of the Act, are (1), persons renouncing the communion of any religion; (2), persons excluded from the communion of any religion; (3), persons deprived of caste. And in favour of these three descriptions of persons, the Hindoo law is to the following extent repealed; viz., that it shall cease to inflict on them any forfeiture, (1) of rights, (2) of property, and (3) that it shall cease in any way to impair or affect any rights of inheritance. Your Petitioners are advised and believe that these words, "rights," "property," and "rights of inheritance," though jurisprudentially ill selected and illogically arranged, comprise the whole body of civil and religious rights with which Hindoo law in any way deals in the case of the previously specified persons; and that the said designations of those persons comprise the whole body of persons whom Hindoo law regards as offenders in any way against Hindoo morality, law or religion. It is hardly necessary for your Petitioners to point out the great difference between these three classes of persons; in the first class the Christian convert may be reckoned, as he is a person renouncing the communion of the Hindoo religion; but persons who are excluded for other reasons besides that of embracing another religion, and, still more, persons who may, by Hindoo law, be deprived of caste, include persons guilty of all shades, from the faintest to the deepest of immorality and crime. On this plain analysis, therefore, your Petitioners humbly and confidentially say, that by the said Act every barrier which religion and law and custom have raised in the interest of Hindoo society is weakened or broken down.

7. Your Petitioners trust that they may, without abandoning their broad and general objections to the said Act, submit an illustration of the manner in which it may be made to operate on Hindoo social and family relations. A Hindoo widow is entitled, by Hindoo law, to maintenance out of her husband's or father-in-law's estate, and residence in the family house, if there be one; and if she has had an only son, who has died childless, she would be entitled to the inheritance, in the place of her son, of a third part; for example, if the estate was the joint estate of three brothers, her husband having been one, and if living as a joint family at the time of his death, she would be entitled to residence in the family mansion. According to Hindoo law, she would be liable to be deprived of caste by many kinds of immorality, say, for example, prostitution, if on being called to repentance and penance, she persisted in them; and, as a consequence of being deprived of caste, she would lose the said right to maintenance and right of inheritance: but by the said Act these rights are preserved to her notwithstanding. If her husband's brother were to sue for a partition, thereby recognizing the right given to her by the Act, she would still remain in the family mansion, in juxta-position with the virtuous matrons of the family, and their children and grandchildren, in apartments allotted to her under the partition, and by the Act made inalienably her own. One more illustration: a religious Hindoo having an only son, looks to that son as his assurance that those religious rites will be duly performed, on which he believes his salvation, and that of his immediate ancestors, to depend. If the son becomes a Christian, or, from any other cause, is deprived of caste, the father is entitled by Hindoo law to adopt another son, who would, by the same law, take the inheritance. The Act in question, by severing the inheritance from the adoption, and securing it to the original son, virtually and practically annuls the Hindoo right of adoption.

8. That it would be impossible for your Petitioners adequately to describe the manner in which the said Act may operate on Hindoo social relations: but the above illustrations are selected from a great variety which might be given, and they show, as your Petitioners submit, that the said Act is of a tendency subversive of the interests of morality and religion.

9. That, in the opinion of your Petitioners, the said Act involves a breach of faith on the part of Government towards the Hindoo nation, a persistence in which will affect the honour and glory of the British Crown. The first acquisition of the British in India having been made by or in the name of the East India Company, your Petitioners can only appeal to the Acts and declarations of that body in support of the above proposition; and those Acts and declarations have uniformly held out to the Hindoos the promise of the establishment of Hindoo law for Hindoos, and of their being made secure in the enjoyment of their ancient usages and religion. By such declarations and promises, the British Government has gained the confidence and allegiance of the Hindoo people, and that the said Act is inconsistent with them. That such was the early policy of the East India Company is attested by every respectable historian. That the administration or practice of the Government was in accordance with this, its professed policy, may be proved by authentic traditions, and is in the recollections of men still surviving a now by-gone generation, and is, besides,

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besides, strongly evidenced by the missionary literature of the present day, which is constantly endeavouring to bring obloquy on the officers of Government of former days for having respected the religion, laws and usages of the people; and your Petitioners beg to add, that, although the policy alluded to preceded all legislation, and was long maintained independently of legislation, and had a much wider scope than any legislation on the subject, it is fact supported by legislation. In Bengal, 1793, and in Madras in 1802, Regulations of Government were passed by which the Hindoo laws were established here, as the laws to be followed in all suits regarding succession, inheritance, marriage and caste, with regard to Hindoos, and the same in 1781 was intended by Parliament to be made the law of the Supreme Court for the natives of the Presidency towns. Referring, therefore, to this long and uniform course of policy, administration and legislation, your Petitioners feel warranted in considering the said Act as a violation of their established rights as a people whose virtually distinct nationality has been recognized by the British Crown, contrary to the good faith which the British Crown will maintain.

10. That your Petitioners are also advised, that the said Act is beyond the power and competence of the Legislative Council; but that, inasmuch as its legality cannot be disputed in the Courts of the East India Company, your Petitioners are remediless, except by the aid of Parliament.

11. That your Petitioners, having compared the said Act with the Regulation of which it professes to be an extension, beg your Right Honourable House also to compare it with the measure originally proposed prior to the said Act by the Indian Law Commission, and sanctioned by the Government. And, for the purpose of enabling your Right Honourable House to form a comparative judgment, your Petitioners beg to premise a brief narration.

In 1845 an Act was proposed by the Indian Law Commission, and published in draft by the Indian Government, for the purpose of establishing a substantive law of the place, under the name of the *lex loci* for the numerous classes in India, being neither Hindoos nor Mahomedans, respecting whom it was doubtful what kind of law applied to them. By the provisions of the proposed Act, as your Petitioners are advised, converts from the native to the Christian religion would have been placed under the *lex loci*, and by three sections (a copy of which is annexed to this Petition), provisions were alleged to be made, on the principle of the Regulation of 1832, for persons who should renounce, or be excluded from, the communion of any religion, meaning, as your Petitioners understood, natives who should become Christians. In the various Petitions and remonstrances of the Hindoo community against the measure alluded to, the Secretary of Government finally replied, by the following paragraph, in a public and official letter, par. 35: "It is the intention of Government, for the more convenient arrangement of the new law, to remove the other sections from the *lex loci* Act, and place them in a separate Act." The Hindoo community thereupon expected that the obnoxious law would be passed, but passed as proposed, and substantially in its integrity. The separate Act alluded to is Act XXI. of 1850; but it is not composed of the said three sections, and is not substantially the same measure; but, on the contrary, is in some respects new, and it more extensively outrages the feelings of the Hindoo people. Moreover your Petitioners would particularly point out to your Right Honourable House, that of the three proposed sections, one was restrictive, and to the effect, that the new law should not be specifically enforced, when it would be likely to outrage the religious feelings of any party against whom the courts of justice might be called on to apply it. The Act XXI. of 1850 contains no such restriction, nor even the qualification contained in the Regulation of 1832, by which it was provided that that measure should be carried out in conformity with "justice, equity and good conscience." And in considering this statement, your Right Honourable House will not fail to remark this important fact, that the much milder measure originally proposed was, in the opinion of the Indian Law Commission, adapted (as in fact it did) to outrage the feelings of the Hindoos, and was not a fit law to be passed without checks and restrictions.

12. That your present Petitioners are the inhabitants of three different Provinces, and, by reason of some local differences between the Hindoo law of Bengal from that of Behar and Orissa, they are not all necessarily affected by the said Act in the same manner. In Bengal, but not in Behar or Orissa, nor generally in the rest of India, the Hindoos may legally make a will of the whole of their property, and thereby they have the power of securing it to those who will respect its consecrated uses and the trusts to which it is subject for the benefit of ancestors. But all your Petitioners alike regard the Act in its entirety as subversive of Hindoo society.

13. That the objection of your Petitioners being to the general operation of the said Act, your Petitioners are disinclined to urge objections merely to its details; but they are struck with its great want of equity. The rights, or supposed rights, of its favoured classes have been abstractedly considered, and no regard has been paid to the eleemosynary and beneficiary interests which are recognized by all Hindoo families in the actual use and enjoyment of property: such interests ought to be specially provided for in any new distribution of property. Your Petitioners also beg incidentally to note, that, as Hindoo law will cease, to a great extent, to apply to the classes provided for by the said Act, a new body of law is required for the said classes, but is not provided by the said Act, and the omission may become extensively inconvenient to the Hindoo community.

14. That

14. That your Petitioners do not feel called upon to defend their ancient laws and religion: they are of great antiquity; they have been for ages the inheritance and possession of a hundred millions of people, and are so to the present day, and generally they remain in perfect harmony with the faith and feelings of the people. Your Petitioners, therefore, confidently submit, that these laws ought not to be altered or superseded in any one article, except at the imperative call of humanity, justice and reason united; and your Petitioners beg most respectfully and earnestly to add, that no such grounds exist for the said Act, and that your Petitioners regard the said Act as merely an encouragement to the spirit of religious proselytism, but at the same time going much beyond that object. Your Petitioners are not insensible to the peculiar case of such of their countrymen, especially the young and inexperienced, as have been gained over to professing to be Christians. But your Petitioners submit, their becoming Christians does not entitle them to the benefit of special legislation. Their desertion of the religion of their country opens to many of them a career of fortune in which their brother Hindoos cannot follow them, and no converts from the faith of a nation were ever so favourably circumstanced as are Hindoo Christians.

15. In conclusion, your Petitioners humbly pray your Lordships to take this their Petition into your most serious consideration, and to take such measures as to your Lordships may appear expedient to procure the repeal or annulment of the said Act of the Legislative Council of India, and said Regulation of the Bengal Government, and as also may be necessary to preserve to the Hindoo nation the enjoyment of their ancient religion and customs.

And your Petitioners shall ever pray.

SCHEDULE TO PETITION,

REGULATION VII. 1832.

VIII. SUCH part of clause 2, section 3, Regulation VIII. 1795, enacted for the province of Benares, which declares that "in causes in which the plaintiff shall be of a different religious persuasion from the defendant, the decision is to be regulated by the law of the religion of the latter, excepting where Europeans or other persons not being either Mahommedans or Hindoos shall be defendants, in which case the law of the plaintiff is to be made the rule contained in section 15, Regulation IV. 1793, and the corresponding enactment contained in clause 1, section 16, Regulation III. 1803, shall be the rule of guidance in all suits regarding succession, inheritance, marriage and caste, and all religious usages and institutions that may arise between persons professing the Hindoo and Mahommedan persuasions respectively.

IX. It is hereby declared, however, that the above rules are intended, and shall be held to apply to such persons only as shall be *bonâ fide* professors of those religions at the time of the application of the law to the case, and were designed for the protection of the rights of such persons, not for the deprivation of the rights of others. Whenever, therefore, in any civil suit the parties to such suit may be of different persuasions, when one party shall be of the Hindoo and the other of the Mahommedan persuasion, or where one or more of the parties to the suit shall not be either of the Mahommedan or Hindoo persuasions, the laws of those religions shall not be permitted to deprive such party or parties of any property to which, but for the operation of such laws, they would have been entitled. In all such cases, the decision shall be governed by the principles of justice, equity and good conscience; it being clearly understood, however, that the provisions shall not be considered as justifying the introduction of the English or any foreign law, or the application to such cases of any rules not sanctioned by those principles.

THE three Sections of the LEX LOCI ACT, originally proposed by the Honourable Mr. CAMERON and his Colleagues of the Law Commission, in favour of Converts from the Hindoo Religion.

XI. PROVIDED always, that no Hindoo or Mahommedan shall, in consequence of any thing in this Act contained, by renouncing the Hindoo or Mahommedan religion, lose any rights or property, or deprive any other person of any rights or property.

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XII. And it is hereby enacted, that so much of the Hindoo and Mahommedan law as inflicts forfeiture of rights or property upon any party renouncing, or who has been excluded from the communion of either of those religions, shall cease to be enforced as law in the Courts of the East India Company.

XII. Provided always, and it is hereby enacted, that if, in any case falling within the provisions of sections 11 or 12, it shall appear to the Court that the application of any of those provisions would outrage the religious feelings of any party against whom the Court is called upon to apply them, the Court shall state the facts of the case, and submit the statement for the decision of the Court of Appeal, who shall decide whether the provisions shall be applied or not, and with what modifications, and whether any and what compensation shall be given to any party for the loss which such party may sustain if the said Court of Appeal should decide that the said provisions should not be applied.

Act No. XXI. of 1850.

An Act for extending the principle of Section 9, Regulation VII. 1832, of the Bengal Code, throughout the Territories subject to the Government of the East India Company.

Whereas it was enacted by section 9, Regulation VII. 1832, of the Bengal Code, that "whenever in any civil suit the parties to such suit may be of different persuasions, when one party shall be of the Hindoo and the other of the Mahommedan persuasion, or where one or more of the parties to the suit shall not be either of the Mahommedan or Hindoo persuasions, the laws of those religions shall not be permitted to operate to deprive such party or parties of any property to which, but for the operation of such laws, they would have been entitled:" and whereas it will be beneficial to extend the principle of that enactment throughout the territories subject to the government of the East India Company; It is enacted as follows:

I. So much of any law or usage now in force within the territories subject to the government of the East India Company, as inflicts on any person forfeiture of rights or property, or may be held in any way to impair or affect any right of inheritance, by reason of his or her renouncing, or having been excluded from the communion of any religion, or being deprived of caste, shall cease to be enforced as law in the courts of the East India Company, and in the courts established by Royal Charter within the said territories.

PETITION for Amendment of the present Law for the Government of India.

"To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the Liverpool, East India, and China Association, by their Deputy Chairman;

Showeth,

That your Petitioners are extensively engaged in trade with Her Majesty's possessions in India.

That your Petitioners, therefore, feel deeply interested in obtaining for the people of that country an Administrative Government, calculated to develope and extend the great commercial and agricultural resources of that important part of the British Empire.

That at this particular juncture, when the future Government of India is under the consideration of Parliament, your Petitioners humbly desire to draw the attention of your Lordships to several important matters, which, in the opinion of your Petitioners, are highly essential to the good government and prosperity of its people.

That your Petitioners cannot too forcibly impress upon your Lordships the vast importance which they attach to the necessity of providing improved means of internal communication for produce and merchandize to and from the sea-ports of India, the want of which, your Petitioners humbly submit, forms one of the main obstacles to the extension of trade, and to the increased cultivation of the land: And your Petitioners respectfully suggest, that it should be made imperative upon the future Government of India to make and keep in repair good and sufficient roads, bridges, water-tanks and works for irrigation at all times adequate to the requirements of trade and the public convenience; and to grant lands and otherwise to afford every encouragement for the formation of docks, quays and other appliances for the accommodation of all descriptions of shipping and craft, wherever such accommodation may be required.

That

That your Petitioners consider that the land-tax or rent paid by the cultivators of the soil in all parts of India is excessive; that it is injurious to the commercial and agricultural interests of that country, and highly detrimental to the moral and physical condition of the people.

That, owing to the imperfect system of collecting the tax, it is more injurious to the cultivators and less productive to the revenue than it might be if it were based upon sound financial principles; and that it is, therefore, in your Petitioners' opinion, expedient not only that the revenue system be improved, but that such laws be passed as may effectually protect the cultivators from oppression on the part of the collectors of taxes, zemindars and others, and enable them to recover from the proprietors of the land compensation for unexhausted improvements.

That your Petitioners humbly desire, also, to represent for the consideration of your Lordships the serious injury which private trade has long sustained from the mode resorted to by the Honourable the East India Company, of making advances of money in India upon the consignment of produce to this country for sale, a practice which your Petitioners have from time to time deprecated, and which is now all but universally condemned.

That your Petitioners, therefore, humbly submit that the East India Company should be expressly restrained from again making advances upon the hypothecation of merchandize, unless on the ground of necessity shown, and that if such case arise, notice of at least two months shall be publicly given in this country before application be made to the Board of Control to sanction the transmission to India of orders to make remittances in the objectionable mode now complained of.

That your Petitioners further desire to direct the attention of your Lordships to the state of the currency in India. Previous to the year 1835, gold equally with silver was a legal tender. In that year, an Act of the Governor-general in Council abolished the gold currency, and established the Company's silver rupee as the only standard of value throughout British India. In 1841, the Indian Government issued a proclamation, in virtue of which gold coined in the Company's mints was received at the public Treasuries in liquidation of the demands of Government; this practice, which mitigated the inconvenience of the abolition of the gold standard, remained in force till the 1st January of the present year, when the Indian Government issued a notification that the receipt of gold at the public Treasuries was prohibited. Your Petitioners are not aware that these interferences with the standard of value in India were necessary, and they believe they have been productive only of disadvantage. Viewed in connexion with the late enormous addition to the supply of gold, your Petitioners apprehend that the suppression of the gold standard may, if persisted in, lead to serious evils. The great importance of an abundant currency, free as much as possible from liability to disturbance and sudden fluctuation, is beyond question. Now, it is evident that occasional large imports of gold into India, acting on an exclusively silver currency, and causing a corresponding export of the latter, may at times occasion sudden and great contractions of the amount of the circulating medium, and so induce the disastrous consequences which always accompany such occurrences. These hazards would be obviated by re-establishing gold as a standard of value. It has been urged that this would be an injustice to the Indian fundholder. The fallacy of such an objection is manifest from the fact that, as yet, gold and silver in the general markets of the world retain their long-established relative values. The experience of France, the United States, and the majority of European States, shows that no disadvantage results from a double standard of value.

That your Petitioners also humbly invite the serious consideration of your Lordships to the necessity of providing for a better administration of justice throughout India. The need for vigorous reforms in this department is now so generally recognized, that any further notice of the subject here is, your Petitioners conceive, unnecessary.

That your Petitioners also desire to direct the attention of your Lordships to the generally defective state of the police in India, and of the necessity of such a re-organization of that body as may afford increased protection to person and property, and remove the imputation of inefficiency and untrustworthiness.

That your Petitioners have also to draw the notice of your Lordships to the want of promptitude in obtaining in India redress and decisions in cases of complaint, and in matters connected with the Customs and other departments of the public revenue; and generally, your Petitioners are informed and believe, that the delays complained of are in many cases owing to the necessity of making references to this country for the sanction of the home authorities. Your Petitioners, therefore, humbly submit that it is highly important to adopt such measures as shall effectually remedy this serious disadvantage.

That, considering the variety and magnitude of the reforms (some of which your Petitioners have herein alluded to) so urgently called for in the future administration of the general Government of India, your Petitioners believe that the accomplishment of so great a task must be hopeless, unless measures be adopted to strengthen the hands and stimulate the action of the Government in India. In what mode that may best be accomplished it is for the wisdom of your Lordships to determine; but if no fundamental change shall be made in the existing arrangements for the Government of India, your Petitioners would with all humility

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humility suggest the expediency of extending to India, in some form, the immediate authority and supervision of the Board of Control.

Your Petitioners, therefore, humbly pray that in legislating for the future Government of Her Majesty's possessions in India, your Lordships will be pleased to take into consideration the various matters herein set forth, and to adopt such measures thereon as to the wisdom of your Lordships may seem fit.

And your Petitioners will ever pray.

Signed, on behalf of the Liverpool East India and China Association, by

GEORGE MALCOLM,
Deputy Chairman.

Liverpool, 13 May 1853.

PETITION, praying that in any Arrangements for the future Government of INDIA, Provision may be made to permit English Salt to be imported into all Parts of British India upon the same Terms and Conditions as other Goods and Manufactures, of Inhabitants of NORTHWICH.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the undersigned Inhabitants of the Town and Neighbourhood of NORTHWICH, in the County of CHESTER;

Showeth,

THAT on an average of several years past, not less than 600,000 tons of salt have been annually made from brine and rock salt in the salt districts of Cheshire, giving employment, by land and water, to at least 5,000 able-bodied men.

That a constant supply of salt, of good quality, and at reasonable prices, is of the utmost importance to the extensive population of British India, particularly the lower classes; but at present they are almost entirely dependent upon the article manufactured in that country, which is impure in quality, uncertain and insufficient in supply, and costly in price.

That if the salt manufactured in England could be imported into India upon the same terms as other produce, a sufficient quantity could be sent from the salt districts of Cheshire to meet the wants of that country, pure in quality, certain and sufficient in supply, and low in price.

That under no circumstances should any tax or duty be imposed on salt but in proportion to its value, compared with other articles of commerce taxed by the East India Company.

That the East India Company have imposed an import duty upon salt equal to 7 *l.* a ton, which of itself is not less than twenty times the value of the article, whereby the supply has become a monopoly in the hands of that Company.

That the imposition of such duty is contrary to the commercial policy of this country, and unjust and oppressive towards the Native population of India; and thereby the manufacturers of salt in Cheshire and elsewhere are shut out from the markets of that extensive country, or nearly so.

That the opening of the trade would materially benefit such manufacturers and others within such districts; and your Petitioners believe that the great saving in the cost of salt would lead to a much greater demand by the Native population of India for the cotton and other goods of English manufacture, and thereby greatly benefit the whole commercial and trading interests of this country.

Your Petitioners therefore pray, that in any Charter to be now granted to the East India Company, provision may be made, that English salt may be imported into all parts of British India, upon the same terms and conditions as other goods and manufactures.

And your Petitioners will ever pray, &c.

LEE P. TOWNSHEND, Chairman, Magistrate for Cheshire.
J. H. HARPER, Magistrate for Cheshire.
&c. &c. &c.

PETITION

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PETITION for the discontinuance of all Government Grants of Money for the Support of IDOLATRY in India.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The Petition of the undersigned Ministers of the Gospel, resident in CALCUTTA;

Humbly showeth,

THAT your Petitioners, being members of various Protestant denominations, and most of them having resided several years in India, are deeply interested in the progress of divine truth in this country, and strongly participate in the conviction, now generally entertained, that the connexion of the Government of India with the Hindu and Mahommedan religions is both wrong in itself, and an obstacle to that spread of Christianity which your Petitioners are aiming to secure.

That your Petitioners willingly and thankfully acknowledge, that much has been done in recent years to release the Government from its active share in the ceremonies of those religions, and to leave their disciples to maintain them in their own way and from their own resources. They admit with pleasure that many of the most prominent evils which once existed have now been abolished; that oaths are no longer administered in the Company's Courts in the names of Hindu idols; that salutes in honour of those idols have been discontinued; that the pilgrim taxes at Gaya, Allahabad, Puri, and Dharwar, have been abolished; that in the Presidencies of Madras and Bombay, the Revenue Collectors are no longer active agents in maintaining idol worship; that the temple-lands are no longer under their charge; that they have ceased to appoint Brahmans to pray for rain in seasons of drought; to summon villagers to draw the idol cars; to sanction officially with their presence and authority the actual ceremonies of Hinduism, and to present clothes, jewels and fruit to idols in the name of the Honourable East India Company.

That your Petitioners believe that much still remains to be done before the Government of India shall be finally and fully severed from the religious systems which it has so long sustained. Under the arrangement which was reported in August 1849, Committees of Natives, or respectable individuals, have in numerous cases been substituted for the Revenue Collectors in the management of the shrines which the Government supported; but in some respects, the former direct connexion between those shrines and the Government has only been replaced by an indirect one, calculated to a certain extent to hide the real character of the alliance.

That your Petitioners have learned from the return made by the Government of India in 1849, that, at the present time and under the arrangement recently adopted, more than 16 lakhs of rupees, or 160,000 *l.*, are annually paid by the Government of India for the support of temples and mosques of Brahmans and Moulvies, of which about seven lakhs are expended in the Bombay Presidency, and eight lakhs in that of Madras. That, while your Petitioners admit that to some of these grnats the temples referred to have a strong claim (such grants being made in commutation for the revenue of lands still under the charge of Government, and which cannot be surrendered because their boundaries are unknown), they feel convinced that searching inquiry would prove the claims of others to be more than questionable. That the fact is well known that on several occasions when new territories have been annexed by the Government of India, and it has been found that certain voluntary contributions have been customarily made for religious objects by the former authorities, these donations have been continued by the East India Company, under the belief that treaties which guaranteed protection to the rights of the Natives of those territories, bound the Government also to perpetuate those gifts, although, being originally voluntary, they are so still, and ought to be withdrawn, on account of their injurious tendency. That in illustration of these remarks, your Petitioners can point to the celebrated temple of Parboti at Poonah, which was a mere private temple of the Mahratta Peishwa, and to the College of Brahmans at the same place; which two establishments, with other minor temples in that Collectorate, receive an annual gift from the East India Company of more than 10,000 *l.*

That your Petitioners have been informed that a custom formerly existed in the Agra Presidency, by which the Government of India presented addresses of honour to Mahommedan Cadis on the occasion of the Eed festival, and that such gifts have been commuted into money payments, and are continued to the present day.

That your Petitioners have heard on good authority that another custom has prevailed, by which, when the Governor-general and other high officers of state in travelling have approached celebrated Native shrines, offerings have been there presented which were paid out of the public purse, and that at Amritsir, Jwálá-mutshi and Tarantarow in the Punjab, such offerings have been presented within a recent period.

That your Petitioners have never observed any mention of these offerings in the Parliamentary returns upon the subject of Idolatry in India, and are aware of other cases which have in like manner been passed over. That for a long period a poojari or Brahman priest was employed, at an annual expense of about 200 *l.* (or 2,000 rupees) in the Salt Agency, at Hidgelee, whose duty it was continually to worship Lakshmi, the Hindu Goddess of Fortune, in the empty salt golahs, in order to secure the Company's trade against loss. That

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at the opium agency in Behar, a special gift was made to the Brahmans to secure good fortune on the sailing of the first opium boats every season towards Calcutta. That in the money advances at the beginning of the opium season, certain payments to Brahmans were regularly included; and that a similar practice existed in the salt agency at Hidgelee. That your Petitioners believe that these practices continued for a long period unknown to the heads of the respective departments; that they were never specified in the Parliamentary returns, being reckoned in the salt and opium agencies as regular current expenses. That these practices were recently brought to light, and then suppressed; and that your Petitioners mention them now, because they believe that searching inquiry would probably bring to light other practices of a similar kind.

That while solemn affirmations have been substituted for the oaths formerly taken by Hindus and Mussulmans in the Company's Courts, the law which permits this variation from former custom has not yet been extended to the Courts established by Her Majesty's Charters in India, and that oaths on the Koran and oaths in the names of Hindu deities continue to be administered in those Courts as in former days.

That your Petitioners have heard with regret, that notwithstanding the positive orders of the Court of Directors, the residents at Baroda and Nagpore have, within recent periods, recognized and attended in their official capacity idolatrous festivals celebrated by the Hindu Rajas of those territories, and that in the latter case such attendance was doubly painful from the fact that, in 1847, the acting resident at Nagpore, Captain Ramsay, compelled the Missionaries to give up to the Raja a young convert who had applied to them for baptism, on the ground that under the Nagpore treaty with the East India Company, he could not protect the Raja's "discontented subjects;" and your Petitioners remind your Right Honourable House that this view of the obligations of the Government of this country was formally sanctioned by the Government of India.

That your Petitioners believe that in the Madrissa College in Calcutta, and in various Sanscrit Colleges endowed by Government, the authoritative precepts, doctrines and ceremonies of the Hindu and Mahommedan religions are taught at the expense of the Government; that the explanations and reasons that have been offered respecting such an anomalous proceeding are insufficient to defend it; and that, in the case of these colleges, one of the most offensive and direct forms of the Government connexion with false religions exists, notwithstanding the expressed wishes of the Court of Directors and of your Right Honourable House, intact to the present time. Your Petitioners are aware of the value of these colleges as philological institutions, promoting the cultivation of the ancient and modern languages of India, and it is not, therefore, to this use of them that the objections above made have referred.

That your Petitioners have reason to believe, that by a despatch to the Governor-general in 1847, the Court of Directors prohibited their public servants from taking part in missionary undertakings, and thereby conveyed to many minds the impression that they would view with disfavour all who should not see it to be their duty to be entirely neutral in the great contest of Christianity in this country, and that your Petitioners consider such a prohibition, in contrast to the Court's own alliance with false religions, with feelings of surprise and sorrow.

Further, that in respect to one of the great obstacles to that full and complete disconnexion of the Government of India from the Hindu and Mahommedan religions for which they pray, your Petitioners would draw the special attention of your Lordships to the Regulations of the Indian Government respecting endowments for the support of those religions. That by Regulation XIX. of 1810, in Bengal, and Regulation VII. of 1817, in the Presidency of Madras, such endowments are recognised as "pious and beneficial;" the care of them is vested in the Boards of Revenue as "an important duty of Government;" and questions connected with them have hitherto been placed not under the jurisdiction of the ordinary civil courts, but under the officers of those Boards. That your Petitioners consider that several weighty reasons may be urged against those Regulations, inasmuch as they constitute the Government the trustee of such endowments, and treat them as if they were matters of great benefit to society, and of pecuniary interest to the Revenue authorities; inasmuch also, as to enforce them fully would bring the Government into more intimate connexion with those religions than they have ever yet held; and chiefly, because they now stand in the way of those very arrangements which the Government of India has recently been making for disconnecting itself altogether from those endowments. In the Madras Presidency, for instance, the collectors have been forbidden to interfere in the management of mosques and temples, yet the Regulation which commands them to interfere still continues on the statute book. While, at the same time, should breaches of trust in their management occur, the civil courts refuse to take them into consideration because that Regulation is unrepealed. That this anomalous state of things was brought to the notice of the Supreme Government of India by the Government of Madras several years ago, and that they have provided no new Regulations to meet the difficulty.

That your Petitioners feel the need of a searching inquiry into all these subjects. They fear that while public attention has been specially directed to the Temple of Juggernath, and to the donation which it annually receives, other matters not less important have continued almost unnoticed, although they have the authority of one of the members of the Supreme Council in India (Sir H. Maddock, in his published Minute of 1844) for saying, that "the Temple of Juggernath is only one of innumerable Hindu Temples receiving endowments from the Government of India."

That your Petitioners hailed with lively gratitude the draft of an Act which the Supreme Council

Council of India published in the "Calcutta Gazette" upwards of a year ago, for the final severance of Government from the Temple of Juggernath, and that your Petitioners hoped that a measure so wise and just, demanded alike by sound policy, public justice and Christian principle, would speedily be passed into a law; but that now they fear that the views and intentions of the Government of India have changed, and that the passing of this Act is extremely uncertain.

Your Petitioners, therefore, without dwelling on the very solemn subject of the evils of this connexion between a Christian Government and the shrines of false religions, respectfully pray your Right Honourable House to take into consideration such further measures as may be required for completing the entire severance of the Government of India from the Hindu and Mahommedan religions; to institute a searching investigation into the allegations of this Petition, and to have laid upon the Table of your Honourable House a copy of the despatch of 1847 above referred to, with a statement of its origin and intended aim. Your Petitioners especially pray, that your Right Honourable House will be pleased to call for a complete, distinct and detailed statement of every grant now directly or indirectly paid to the above religions, in every district and province of the Continent of India under English rule; to institute a rigid scrutiny into the ground and title upon which each one of these grants is claimed, whether it be to mosques or temples, to Brahmans or Moulvies, to idolatrous ceremonies, or the education of the young in the authoritative Shastras of those religions; and to cause every revenue official in India to report minutely on every fact that brings the Government into any connexion whatsoever with Mahommedanism and Hinduism in the district under his charge. They pray also that your Right Honourable House will direct the Government of India to repeal the two Regulations which your Petitioners have referred to, and to enact in their stead a Regulation applicable to all the Presidencies of India, by which the endowments of the Hindu and Mahommedan religions shall, like all other trusts, be placed under the jurisdiction of the civil courts.

And lastly, your Petitioners will ever pray, that the spirit of wisdom and of justice may be abundantly granted to your Right Honourable House, by that great and gracious God, who has said that "Righteousness exalteth a nation, but sin is a reproach to any people."

CARAPIET CHATER ARATOON, Baptist Missionary.
W. S. MACKAY, Missionary of the Free Church of Scotland.
&c. &c. &c.

PETITION, praying that the MONOPOLY of SALT exercised by the East India Company in India be abolished; that, if it should be considered still expedient to levy a Tax on this Necessary of Life, that it should be in such a form as to press less heavily on the Poor of India than the present System of Taxation.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the BRISTOL CHAMBER of COMMERCE,

Showeth,

THAT, in the opinion of your Petitioners, the Salt Tax imposed by the East India Company is cruel and oppressive towards the people under their rule, impolitic in a financial point of view, unjust and injurious to the manufacturing, commercial and shipping interests of this country, and inconsistent with the present policy of the Legislature.

That it appears from information which has been made public, that the cost of salt to the East India Company is at the rate of One farthing per pound; that the Company add to that a profit at the rate of Three farthings per pound, and that the Company suffer the dealers to traffic in the article, so that eventually the cost to the consumer is about Two-pence farthing per pound, or Twenty-one pounds per ton. That the tax imposed by the Company on salt imported into India is equivalent to the profit of Three farthings per pound, which they add to the contract price of the salt manufactured for them in India; and the operations of the dealers enhance the price of the imported article to the consumer to the amount already stated or thereabouts; and a monopoly is thus established, by means of which an extortionate price is obtained from the poor ryot of India for this prime necessary of life.

That the first cost of salt in this country does not exceed one-sixth that manufactured in India; that the price to the consumer here is but about Thirty shillings per ton, instead of Twenty-one pounds per ton, as in India; and if it were necessary to abolish the Salt Tax at home some years since, it appears to your Petitioners that the millions of Her Majesty's subjects of India have a much stronger claim for its remission in their case, wretchedly poor as they are, and essentially necessary as salt is to their daily sustenance, and to the prevention of disease in such a climate.

That it appears from statistical accounts which have been published, that the quantity of salt consumed in India is less than one-half that consumed in this country, relatively to the populations, it being about Twelve pounds per head per annum in the former, and Twenty-five pounds per head per annum in the latter.

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That, but for the before-mentioned tax and monopoly, salt manufactured in England could be exported and sold in Calcutta at from Forty shillings to Forty-four shillings per ton, and the price would be reduced by the breaking up of the monopoly to about one-tenth the present rate to the consumer in India.

That the abrogation of the monopoly would tend greatly to benefit and give employment to the home manufacturers of the article, who are capable of producing an unlimited quantity, and also to the commercial, the shipping and the manufacturing interests generally.

Your Petitioners therefore pray that your Right Honourable House will be pleased to take such measures as will ensure the abolition of this monopoly, in any legislative measure which may be brought before your Right Honourable House during the present Session of Parliament, relative to the East India Company's Charter; or, if your Right Honourable House should deem it expedient to continue some tax on the article, that you will be pleased to place such restrictions on the Company and the dealers as will ensure the poor ryot of India having the full benefit of any reduction in the amount of the tax which you may be pleased to require.

Signed, on behalf of the Bristol Chamber of Commerce,

JAMES BUSH,
Chairman of the Committee.

PETITION, complaining of certain Grievances under which they, and the Community to which they belong, labour in the existing state of the Law, and praying for Relief, of East Indians of the Presidencies of CALCUTTA, MADRAS and BOMBAY, at present residing in London, at a Meeting held at the Residence of JOHN B. PHAROAH, Esquire, Ennore House, Lower Tulse-hill, Brixton.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of East Indians of the Presidencies of CALCUTTA, MADRAS and BOMBAY, at present residing in London,

Most humbly showeth,

1. THAT your Petitioners are natives of India, and members of a numerous and increasing class of subjects of the Crown of Great Britain, at present sojourning in this country.

2. That the community to which your Petitioners belong are chiefly descended from European fathers, and from natives of India on their mothers' side, and from intermarriages between the offspring of such connexions.

3. That your Petitioners' community forms a distinct one throughout the continent of India, and dates its existence long prior to the establishment of British rule there.

4. That, ever since Great Britain has acquired permanent possession in India, your Petitioners' community has increased in number more rapidly.

5. That your Petitioners, although at present remotely situated from their native land, feeling the deepest solicitude in the well-being and every particular touching the ordinary interests in life of their countrymen, cannot, therefore, refrain from manifesting their own heartfelt sense at the present juncture as regards the public administration of the affairs of British India.

6. That your Petitioners consider it imperative upon them to submit to your Right Honourable House the following grievances; and, although it may be urged that they have been virtually and positively removed by the East India Company's Charter of 1833, your Petitioners, nevertheless, beg leave most respectfully to assert, that in spirit or operation, that Charter, in relation to such grievances, remains up to the present time a dead letter.

7. That your Petitioners' community in India is entirely destitute of any rule of civil law. Those who are beyond the jurisdiction of Her Majesty's Supreme Court of Judicature, and who may be temporarily or permanently residing in the interior provinces, are there made amenable to the Mahomedan and Hindoo Criminal Laws.

8. That although a right of appeal is sometimes allowed to the superior tribunal, designated the Sudder Nizamut Adawlut of the East India Company, yet such is the extraordinary power it possesses, that it can increase punishment without allowing the common privilege of producing further evidence.

9. That as British subjects, and more especially as professing the Christian religion, it is extremely repugnant to the feelings of your Petitioners' community to submit to the Mahomedan or Hindoo code in the provincial courts.

10. That by Regulation VIII. of 1813, enacted by the East India Company, your Petitioners' community are expressly classed among native subjects of the British Government, and, consequently, subjected to all the disabilities of their Hindoo and Mahomedan fellow-subjects; and by Regulation III. of 1818, enacted by the local Government, they have been deprived of the protection of the Habeas Corpus Act, besides being liable to be taken up on mere suspicion, punished and imprisoned as state prisoners, without the slightest chance of legal protection, or hope of release, since the only channel of appeal is the local Government;

Government; and thus placing their property, their liberty, and even their lives, at the mercy of every public functionary who may happen to be vested with power or authority.

11. That, by Regulation III. of 1821, your Petitioners' community is subjected, in all cases, to be dealt with as Hindoo and Mahomedan natives of the lowest grade, by being fined, imprisoned, and subjected even to corporal punishment, not only at the discretion of the European Judges or Magistrates of the East India Company's service, but even of the Mahomedan and Hindoo officers of justice.

12. That the criminal code to which your Petitioners' community have been subjected is felt by them, not only as a direct outrage to the religion they profess, but as an act of positive personal degradation and gross injustice.

13. That, although the Act of the last Charter, namely, of 1833, throws open all offices of trust and emolument in the civil, military and other branches of the East India Company's service, "without distinction of caste, colour or creed;" yet the door to preferment is literally closed against your Petitioners' countrymen, when many of them are perfectly qualified to fill them; and they continue to be superseded by Europeans, quite inefficient both from their standing and inexperience, as well as from their want of general knowledge with respect to the manners, habits and notions of the people of the country.

14. That the Charter of 1833, not having realized the expectations of your Petitioners' countrymen by a fair distribution even of many of the subordinate appointments under Government in the gift of heads of departments, and which are almost invariably conferred on others, will be borne out by the fact of the paucity of your Petitioners' body holding any such places in all the Presidencies of India.

15. That your Petitioners cannot refrain from objecting to the *primâ facie* evidence recently given by some officials of the East India Company's Service before the Committee of your Right Honourable House, in terms no less unmeasured than disparaging, as they are galling to the feelings of your Petitioners and of their community.

16. Your Petitioners think it needless to cite minutely instances of the general efficiency or fitness of their community towards being raised to superior offices equally with Europeans, beyond the facts that General Jones, who was at the head of the Bombay Army in the years 1803, 1804 and 1805; General Lang, of the Madras Army; and the distinguished and celebrated Colonels Skinner and Gardener, and Colonel Stevenson, a late Quartermaster-general of the Bengal Army, belonged to the class of your Petitioners; and that the few who had been admitted prior to the prohibitory regulation, and others now belonging to the Military and Civil Services of the East India Company, were, and are, sufficiently reputed for their high integrity, superior qualifications and extensive information is abundantly testified by the Chronicles of India, the public testimony invariably borne in their favour by such eminent statesmen as the late Sir John Malcolm, the late Lord Metcalfe, the late Lord William Bentinck, the late Sir Alexander Johnston, and a host of other public characters, and is further attested by the several highly respectable and eminent members of our community who have adorned the bar, the pulpit and the faculty, and who are now heads of several banking and mercantile firms of the first respectability, and constitute living proofs of the general respectable capacity of your Petitioners' community, which must be well known to your Right Honourable House, and cannot require any further or lengthened illustration.

17. That your Petitioners finally, most humbly, and with the greatest deference, venture to state, that were the feelings, opinions or wants of their community consulted, they would one and all exclaim and demand that legislators should also be chosen from among their own body as well as from the various classes or tribes of the people, to fairly represent their diverse interests in the Councils of the future administration of India, as pre-eminently qualified by their local knowledge. And, although millions of the population of India have hitherto most patiently submitted to be taxed, neglected, misrepresented and misgoverned by an oligarchy, chiefly chosen by an unquestionably objectionable constituency of both sexes, and that, too, composed of a fractional atom of the great bulk of the talent, experience and respectability of the English nation, your Petitioners beg leave most respectfully to assure your Right Honourable House, that, whether the reins of the future Government of India are to continue to be vested in the hands of the East India Company, or to be placed immediately under the supreme control of Her Majesty's Government, your Petitioners do not feel solicitous of any change whatever beyond the desire of perfect equality of privileges, and justice being both practically and theoretically meted out to them, not only as British subjects, but as inheritors of their native land, and who, for loyalty and attachment, stand second to none in the British Empire, and who are still, and ever will be, found ready to defend the Empire of Great Britain.

And your Petitioners, in submitting the foregoing statement of their grievances to the serious consideration, wisdom and justice of your Right Honourable House, as in duty bound, will ever pray, &c.

Signed, on behalf of a Meeting of East Indians of the Presidencies of Calcutta, Madras and Bombay, at present residing in London, held at the Residence of John B. Pharoah, Esquire, Ennore House, Lower Tulse-hill, Brixton, near London,

JOHN WOLLASTON, Chairman.

Appendix D.

PETITION, complaining of certain GRIEVANCES, and praying for Relief, of East Indians, Inhabitants of CALCUTTA and the Provinces subject to the Presidency of FORT WILLIAM, in BENGAL.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the undersigned, East Indians, Inhabitants of CALCUTTA and the Provinces subject to the Presidency of FORT WILLIAM, in BENGAL,

Humbly showeth,

THAT your Petitioners are of the class called East Indians, being persons of mixed European and Asiatic parentage, and their offspring by intermarriages. A Petition from the same class was presented to your Honourable House in the year 1830, in anticipation of the Parliamentary investigations into the affairs of India which were expected on the expiration of the Act* by which the East India Company then held the possession and government of the British territories in India.

2. That their Petition of 1830 set forth in detail divers disabilities and grievances under which they were labouring, and showed that they were deprived of certain legal rights and privileges to which they were entitled as the descendants of Englishmen and as Christians, whereby they were placed as a body, although subjects of the British Crown, to which alone they recognize their allegiance to be due, in a position of social and political degradation.

3. That the Act† passed in the year 1833, for continuing the Government of the British territories in the East India Company, contained provisions designed and calculated to remove the disabilities of which the East Indians complained; but the just and humane intentions of the British Parliament have been in a great measure frustrated by the provisions in question of the Act of 1833 being wholly or partially disregarded in practice, and thus several, and the most serious, of the grievances which formed the subject of representation 20 years ago, to this day remain unredressed.

4. That the Act of 1833 provided for the formation of an Indian Law Commission, with a view to the enactment of "such laws as may be applicable in common to all classes of the inhabitants of the said territories." The Law Commissioners, in a letter addressed to the Governor-general in Council, dated the 3d October 1840, made the remarkable declaration, that "the Christian subjects of the British Crown, and of other nations coming into British India, not being Mahomedans, are, independently of all statutes and treaties, exempt from the operation of the Hindoo and Mahomedan laws;" but, notwithstanding this strongly expressed opinion of the Law Commissioners, and although practical relief was proposed by them in a draft Act, called the *Lex Loci* Acts, a body of laws "applicable in common to all classes of the inhabitants," has not been passed; and your Petitioners continue at the present time to be excluded in a greater or less degree from a community of legal rights with their British-born fellow-subjects, and of legal privileges with the natives. The Englishman claims and enjoys the protection and immunities of the law of England, the Hindoo has the benefit of the Hindoo law, and the Mahomedan of the laws of Mahomed; but your Petitioners, though Christians, assimilated in education, habits and opinions to Europeans, are still entirely destitute of all rule of civil law, and a large proportion of them still liable, out of the local jurisdiction of the Crown Courts, to be dealt with according to the degrading institutions of the Koran.

5. That another grievance, from which your Petitioners suffer, and which formed a subject of complaint in the East Indians' Petition of 1830, is their exclusion from superior covenanted offices in the service of the East India Company. The Act of 1833 contemplated the removal of this unjust exclusion, and declared "that no native of the said territories, nor any natural-born subject of his Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office or employment under the said Company;" but this wise and just principle, laid down by the British Legislature, for the most part remains a dead letter as respects your Petitioners, because no adequate provision has been made for working it out. Superior offices, held by members of the covenanted service, are practically inaccessible to persons of your Petitioners' class. They are kept down in a perpetual state of official subordination, from which they cannot emerge, as, under the existing system, no amount of merit, nor any length of faithful service, or ability and experience in office, can avail. A gulf divides the subordinate from the dominant

* 53 Geo. 3, c. 155, "An Act for continuing in the East India Company, for a further Term, the Possession of the British Territories in India," &c.

† 3 & 4 Will. 4, c. 85, "An Act for effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories till the 30th day of April 1854."

nant class, which the former is not allowed to pass. In many cases experience and efficiency must submit to be ruled by a covenanted superior, possessing no previous knowledge or experience, while individuals of the lower branch of the public service, even when filling the highest post attainable by them, and after a lifetime of servitude, are less liberally remunerated than covenanted officers at the very commencement of their career. The natural consequence of this state of things is, that it not only directly tends to check honourable ambition, and discourage and degrade such of their number as belong to the Government service, but likewise operates most injuriously in regard to the moral and social position of others not so employed, and who are independent of the service of the State, by identifying them with a class virtually held in a state of degradation, and branded with permanent disqualification and proscription.

6. That your Petitioners, while subject to all the disqualifications under which the natives labour, are denied some of the advantages which have been extended to the latter. The educational arrangements of the State, made of late years for the benefit of natives, totally ignore the existence of the East Indian body, who, as a class, owe their being to the establishment of British supremacy in the East, and whose home is India. Colleges and schools have been provided for the education of Hindoos and Mahomedans respectively, but not for the Christian portion of the population. Even in the single public institution, the Medical College, the benefits of which Christians share with Hindoos and Mahomedans, an invidious distinction is observed, by which stipendiary studentships are open to natives alone. The advantages of an institution of the nature of a national University your Petitioners, in common with the natives, do not possess; but your Petitioners desire to record their opinion of the incalculable good that would flow to all classes of the Indian community were such an institution organised on an efficient scale.

7. That the grievances and wants above glanced at, being embraced in the Petition of the British and other Christian inhabitants of these provinces, which has already been presented to Parliament, your Petitioners abstained from a second time bringing their case distinctly to the notice of your Honourable House. In consequence, however, of misrepresentations, highly injurious to the entire body of East Indians, contained in certain evidence, more particularly that of Mr. W. W. Bird, given before the Committee of the House of Lords on Indian affairs, your Petitioners, debarred as they are from the opportunity of submitting counter evidence, are induced to solicit the attention of your Honourable House with the special object of furnishing an explanation, on the basis of well-authenticated facts, such as they hope will destroy the effect of those misrepresentations.

8. That the misrepresentations which your Petitioners desire to correct are mostly vague, general, intangible, and not easily reducible to distinct and definite propositions, but they have all one common tendency to disparage your Petitioners' class, and depict them to your Honourable House as deserving of no consideration. Your Petitioners will confine their explanation to only a few of the most explicit of those hostile statements.

9. That it is not true that the number of the East Indians is decreasing; on the contrary, there is every reason to believe it has more than doubled in the course of the last 30 years. The number has not only progressively increased according to the natural laws of population, but the growth of the East Indians, as a class, is accelerated by the annual influx of Europeans to this country, either belonging to the army, or as adventurers, many of whom form matrimonial alliances with East Indian females, so that the class of East Indians is in this way constantly receiving accessions to its numbers. The state of things in India is unfavourable to all statistical inquiry and information, and your Petitioners regret they have it not in their power to obtain a return of the actual number of which their class is composed. On the other hand, however, your Petitioners are not aware of any assignable cause why, while every other community is on the increase, the East Indians alone should be declining in number, and they confidently affirm that no person of any intelligence or local experience in this country believes that such is really the case.

10. That it is not correct that the East Indians are chiefly employed in the offices of Government as mere writers and copyists. Persons of their class are filling every grade of office open to them under Government with advantage to the State and credit to themselves, whether as uncovenanted Judges, Magistrates, Collectors or Superintendents, and heads of offices, &c. In every profession, trade and calling, in every honest and honourable pursuit, East Indians are to be found; as clergymen and missionaries, medical practitioners, lawyers, advocates, mariners, engineers, surveyors and artists, schoolmasters, apothecaries, merchants, artisans, manufacturers, shopkeepers, agriculturists, printers, musicians, accountants and clerks. When employed on account of others, whether the Government or private companies, private firms or private individuals, they have, by their intelligence, ability, honesty and industry, generally gained the commendation and confidence of their employers; while those following independent professions, trades or other callings, have, by their energy and assiduity, secured for themselves a fair measure of success. Although persons of your Petitioners' class did, 20 and 30 years ago, find extensive employment in Government offices, the increase of their numbers and the advance made by the natives in English education, as well as the free access to this country now allowed to Europeans, have conspired to disperse East Indians over all the various walks of life accessible to them; and it is a fact which they desire specially to bring to the notice of your Honourable House, that, notwithstanding the competition both of European and Native, and in spite of every disadvantage and disqualification under which they are placed, persons of your Petitioners' class still maintain a position of respectability, and a character for intelligence and usefulness—a fact which is generally admitted by those who, knowing them well, are best qualified to form an opinion on the subject.

 11. That

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11. That in the injurious evidence in question, your Petitioners have been taunted with the statement that few of their number have been very eminent; but your Petitioners submit that it is given to very few persons of any class of men whatever, however high their privileges or advantages, to be "very eminent." Individuals are born to hold eminent positions, or are made eminent by circumstances, or earn eminence for themselves, by their talents and exertions; but whole classes and communities, comprising every conceivable degree of education and social gradation, are never "very eminent," or the contrary, in the mass; and the East Indian body certainly form no exception to the universal rule. Nor is the attainment of a lofty eminence necessary to entitle your Petitioners, or any class, to be protected from unjust exclusions, disqualifications and grievances, such as the East Indians suffer from. But a constrained admission contained in the evidence itself would go to show that some of your Petitioners' class have reached eminence; while your Petitioners confidently make the statement that, notwithstanding the legal disabilities of their position and the prejudicial effects of the proscription inflicted upon the entire body under the present system of Government, did the scope and limits of a Petition admit of it, your Petitioners might adduce numerous examples to show that East Indians have in past times, as in recent years, achieved "eminence" in the various pursuits of life in which they have embarked.

12. That it is incorrect that the East Indians "are not respected either by the Natives or the Europeans, generally speaking:" generally speaking, the reverse is the case. The members of the covenanted services, indeed, evince small consideration or respect for either East Indians or Natives, or even for Europeans out of the pale of those services. But an East Indian on the same footing, and possessing the same authority with a European, is not less respected by the Natives than is the European; while, on the other hand, whenever Europeans and East Indians are brought together in society on terms of equality, they mutually treat each other with cordiality and respect. The Petition of the British and other Christian inhabitants of Calcutta and the provinces was originated and signed by, as it embodied the united representations of, both Europeans and East Indians—a fact which may serve to show the cordiality that in general subsists between the two classes. An East Indian in any office, profession, trade or business, is not less respected than a European in the same position. An East Indian, who is a minister of the Gospel, or a missionary, does not command less respect than is ordinarily paid to the cloth. An East Indian physician does not in a less degree enjoy the confidence and respect of his patients, whether European or Native. An East Indian, as a legal practitioner, is not less trusted or respected by his clients. East Indians, as uncovenanted Judges, Deputy Collectors, heads of offices, &c., receive a due amount of respect from both European and Native. An East Indian superior has not less deference shown to him by his European or Native subordinate. East Indian masters do not command less obedience from their Native workmen or domestic servants. Thus in all the various relations of life, the fact receives abundant and constant exemplification that East Indians, as such, do not experience the want of respect from either Europeans or Natives spoken of in the disparaging evidence laid before your Honourable House.

13. That it is not true that East Indians are "not to be depended upon," still less that, as a class, they are inferior in personal character to an equal number of any other class. The facts and the circumstances already set forth for the consideration of your Honourable House, render any arguments on this point superfluous. But were it otherwise—were the class to which your Petitioners belong sunk in the degradation of immorality and crime, and did they figure prominently in the annals of the police of the country, it might, in a great measure, be ascribed to the situation in which they have been placed by the Government, and should rather act as an inducement for ameliorating their condition by the abolition of class distinctions, than furnish an apology for perpetuating a prospective policy.

14. That your Petitioners having thus brought to the notice of your Honourable House the points which they, as a class, feel to be grievances caused by the existing state of the law and the administration of the country, and which they are prepared to support by evidence, whenever required, in correction of the imperfect, erroneous and highly injurious information laid before Parliament; and adverting to the utter hopelessness of their long-standing grievances being redressed, except by the special interposition of your Honourable House on their behalf, pray for such relief in the matter as to your Honourable House may seem just and adequate. In particular, they pray that your Honourable House will be pleased to devise measures for removing the disabilities of your Petitioners' legal position, and for giving practical effect to the wise and liberal provision of Act 3 & 4 Will. 4, c. 85, that no disability to hold any office shall attach to the class of Her Majesty's subjects to which your Petitioners belong, a provision that has heretofore been rendered nugatory by the mode in which patronage is exercised under the existing system.

And your Petitioners, as in duty bound, shall ever pray.

A. Imlach.
John T. D. Cameron, L. R. C. P., Head Master, La Martinière.
&c. &c. &c.

PETITION,

PETITION, complaining of certain GRIEVANCES, and praying for Relief, of Members of the BOMBAY ASSOCIATION, and other Native Inhabitants of the Presidency of BOMBAY.

To the Right Honourable the Lords Spiritual and Temporal of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the Members of the BOMBAY ASSOCIATION and other Native Inhabitants of the Presidency of BOMBAY,

Showeth,

1. THAT your Petitioners have watched with much anxiety and interest the proceedings of your Right Honourable House, and its Committee, on the subject of Indian affairs, as bearing on the legislation about to be proposed for the future government of India.

2. The Report of your Committee, which sat during the Session 1852, having reached India, has been examined and analysed by your Petitioners with much care; and they observe, that the Members of that Committee have been so far satisfied by the evidence up to that time laid before them, that they direct the attention of your Honourable House to the favourable tenor of the evidence with respect to the operation of Act 3 & 4 Will. 4, c. 85, so far as regards the administration of the Government of India by the East India Company, as trustees under the control of the Crown.

3. The witnesses examined before the Committees of both Houses of Parliament amounted, in all, to 25 persons, five of these having been examined before both Committees: they consisted of Lords Ellenborough, Elphinstone, Hardinge; Sir T. H. Maddock, Sir G. R. Clerk and Sir George Pollock; Messrs. Bird, Willoughby, Reid, Millett, Melvill, Cameron, Robertson, Mill, M'Leod, Pringle, Hill, Shepperd and Prinsep; also General Macleod; Colonels Sykes, Taylor and Alexander; and Captain M'Gregor.

4. The whole of these gentlemen, excepting the three noblemen above-named, and Captain M'Gregor, have been more than 30, and some of them 40 years in the service of the East India Company; and, without desiring to cast the slightest disparagement on their testimony, still it must be borne in mind, that they are all to a great degree in the position of interested witnesses speaking indirectly to the favourable results of their own services, or at least of a system in which they have all borne a part. The majority of these gentlemen having spent the greater portion of their lives under the existing Government, and having freely participated in the advantages enjoyed by the covenanted service of the East India Company, have naturally become prepossessed in favour of things as they are; and although, upon a general view of the subject, the administration of the Indian Government may present to your Honourable House results very favourable to the honourable intentions of those to whom it has been confided by the Crown of England, still this conclusion leaves wholly untouched the important question, whether the main provisions of an enactment passed in the year 1834, investing the Rulers of India with powers almost irresponsible and despotic, and intituled, as it truly was, "An Act for effecting an Arrangement with the East India Company," constitute the best scheme, or all that is needed for the good government of these vast territories—all that the governed can justly demand, or should be reasonably satisfied with, in 1854.

5. Your Petitioners may well leave in the hands of your Honourable House, without observation from them, the construction of the Home portion of the Indian Government, only asking that it may be so framed as naturally and easily at all times to secure within it the services of the ablest and most experienced persons in Indian affairs; that it may be so simplified, that the people of India may know who really are their rulers, and who are responsible for measures of great importance, emanating from England. But with respect to the constitution of the local Governments, your Petitioners earnestly pray your Honourable House not to continue them as they exist, without a further and more searching investigation into their actual and daily operation of the existing system than your Honourable House now has, or is likely to have, before you, if the inquiries are to be so very general in their nature as they seem hitherto to have been, and are to be confined to the evidence of retired Indian official personages.

6. Your Petitioners rejoice to learn that an interest, and a spirit of inquiry respecting Indian affairs, have lately arisen in England, which have led to a mass of valuable information being placed before the public, of a nature that would never have reached your Honourable House from official lips, but which, nevertheless, your Petitioners respectfully would remark, deserves the utmost attention of your Honourable House, though it may form no part of the evidence collected by the Committee of your Honourable House, and may not be adverted to in their Reports. Your Petitioners may refer to many valuable papers published by highly competent persons now in England, very antagonistic to the interests of the East India Company, whose names, therefore, your Petitioners do not find amongst the persons summoned before the Committee to give evidence on Indian affairs; and they beg also to attract the attention of your Honourable House to a very valuable and instructive work recently published at Madras on the administration of justice in that Presidency, by George Bruce Norton, Esquire, Barrister-at-Law. As this gentleman is now at Madras, and cannot

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be examined in England, your Petitioners have taken the liberty of annexing a copy of this work to their Petition, in the hope that your Honourable House will allow them, in this form, the benefit of that gentleman's testimony to the character of the administration of justice in Southern India—testimony which, however startling, is nevertheless unimpeachable, being based on the decisions of the Courts themselves; and your Petitioners regret to add, that the Courts of the East India Company in this Presidency are on no better footing, as regards judicial fitness and capacity, than those of Madras.

7. Your Petitioners are sensible that many of the evils which have hitherto retarded progress in India, can only be remedied through the medium of efficient and properly-constituted local Governments; and they look with confidence to your Honourable House giving this head of inquiry the fullest consideration.

8. Your Petitioners, speaking of the Government of their own Presidency, though they believe the remark to be equally true of the other Indian Governments, are of opinion that it is quite unequal to the efficient discharge of its duties, and that nothing but the impenetrable veil of secrecy with which even its most trivial acts are covered protects it from universal condemnation.

9. It consists of a Governor, a Commander-in-Chief, and two civil servants as members of Council. The business is conducted primarily by four Secretaries and two Deputy Secretaries, each Secretary having a separate department of his own, and being, in that, the adviser of the Governor; the latter, who, generally speaking, is without local knowledge or experience, is obviously in the hands of the Secretaries, and for the most part, from the mass of business to be despatched, compelled to adopt the minutes they place before him.

10. The Commander-in-Chief having the affairs of the Army to attend to, and not caring to trouble himself with the Civil affairs of the Presidency, with which he cannot be expected to be in the least degree acquainted, spends more than half his time away from the seat of Government, and enters the Council apparently merely to record his assent to the Minutes of the Governor. It has been stated in evidence before the Committee of your Honourable House, that it often happens that eight or ten boxes, full of papers on revenue and judicial matters, are sent to the Commander-in-Chief at one time, and that they have been returned from his house to the other members of the Government perhaps within one hour, allowing merely time for him to put his initials; and your Petitioners believe that it ever has been the case that the Commanders-in-Chief, though knowing nothing of the subjects in hand, have felt it their duty invariably to vote with the Governors.

11. The Civil Members of Council are not selected from the most able and distinguished of the servants of Government, though there have been some remarkable exceptions. The appointment is in the gift of the Court of Directors, and is always bestowed on some one of the senior members of the service about to close their Indian career. It is consequently canvassed for in Leadenhall-street, and falls to the lot of him who can command the greatest amount of personal interest with the members of the Court individually. A vacancy occurring but rarely, few members of the civil service can fill the appointment; and its gift is thus a matter of favour. They have no specific duties to discharge, and little or no responsibility; and as they may always be out-voted by the Governor and the Commander-in-Chief, they can scarcely be expected to take any prominent part in the current affairs of Government, indeed to give any very effective assistance, unless something out of the usual routine, or within the line of their past experience, should arise to excite their interest. The evil tendency of their position is, that, having no defined duty as a part of the Government, their own brief minutes, or their signatures, often put for the sake of conformity to those of others, carry with them a weight to higher authority, which should only attach to opinions deliberately formed, and the result of careful inquiry, made under official responsibility. The practical effect of a Government so constituted is, that for the most part each Secretary, in his own department, "is the Governor in Council." The Secretaries, with one exception, selected from the civil service, and generally, though not invariably, from its most able members, having passed their lives from boyhood on some one or more of the subordinate agencies of Government, are suddenly called upon to discharge the most onerous and important duties, for many of which their previous training does not at all qualify them; questions requiring for their solution a correct knowledge of the principles of finance, of political economy, of the systems of the country and of other countries, involving the rights and just expectations of classes of persons, and the cases and privileges of individuals with lighter matters crowd in rapid succession on them, and must be disposed of; and, however able and conscientious they may be, they have not the time to go through, with due care and attention, nor very frequently with the knowledge of the subject requisite to enable them properly to despatch the multifarious matters with which they are loaded. Government being thus undermanned, is necessarily compelled to throw off as much of its own duties as possible on the local officers, to act on their report as unimpeachable, and to shroud them in secrecy. The European local officers, on the other hand, scattered over the country at great distances from one another, and having large districts to attend to, far beyond their powers of supervision, and dependent to a very great degree on their subordinates, are compelled to dispose of the greater part of their business in a very imperfect manner; and their statements to Government, whether emanating from persons who it is known may be trusted, or from those in whose accuracy Government are aware no confidence can be placed, are, on system, accepted as equally trustworthy, and the official vindication of the acts of Government founded thereon. The necessary result of this system is, that the Government is one of first impressions; that, short-handed as it is, under the present system its chief difficulty, and its main object, is to keep down and despatch business; to despatch it well, if possible,

possible, but at all events to prevent it accumulating; that hasty superficial reports of local officers are, in regulating the conduct of Government, except on questions of money, of equal weight with those, the result of care and reflection. It is obviously necessary, therefore, to protect the acts of such a Government from public scrutiny and supervision, in order to preserve for it public respect; and the most rigid secrecy is consequently preserved in every department; so strictly is this enforced, that the members of the civil service are all under solemn oaths not to reveal anything connected with the business before them, and the Court of Directors have, even in modern days, noticed, with severe disapprobation, the publication of a very small portion of one of their despatches by, as it was supposed, a member of the civil service, relating to a suit at law with which he had been connected judicially. The same amount of secrecy is preserved in everything that comes before Government, whether it relate to a purely municipal matter, the establishment of a sailor's home, a principality, a jaghére, the conduct of a public officer, or hardship practised towards an individual, and even where wrong or injury are complained of by a large class of persons, or where merely private property is at stake, or the character and prospects of an individual are involved, still the same system prevails. If the parties against whom unfavourable reports have been transmitted by the local officers apply for copies, they are always refused; not the slightest opportunity is afforded them of correcting any misstatements that may have been made in these reports, and there consequently is, and naturally ever must be, a great inducement to resort to unfair means to procure that information from the records of Government which cannot be fairly obtained, but to which all the parties concerned are justly entitled, and which, on system merely, is withheld from them. The inevitable effect of this system is, that individual cases, occupying a large portion of the time of Government, the most cruel injustice, even with the best intention, is done. The individual concerned may have had a volume written against him behind his back—written with all the easy confidence of those who know that their statements will not be handed over to the party interested to reply to, and when the Presidency authorities consider matters sufficiently ripe, a few paragraphs, disclosing a small fragment of the case recorded against him, a tithe only of what he ought to be allowed to answer and explain, is sent to him, for such observations as he may desire to offer, and, on his reply to these, he is adjudged. It is difficult to exaggerate, or, on any more general view, fully to display the vicious operation of this system of Government. But it will be obvious to your Honourable House that, as a system, it is the very worst that could be devised, and the very last which good sense would indicate as adapted to strengthen British rule in India, by giving it a hold on the affections of the people. On the contrary, its obvious tendency is to engender and perpetuate amongst the young servants of Government an illiberal and despotic tone; to give full scope to the prejudices, the ignorance and the self-sufficiency of all; to discourage progress; to discountenance all schemes of improvement emanating from independent and disinterested sources, and not within the views of the officer to whose department they are referred, and to cramp all agricultural or commercial energy, all individual enterprise.

12. Your Petitioners, therefore, humbly entreat your Honourable House, in any new legislation which may be framed for India, to abolish councils as at present constituted, and in their place to create an useful and efficient Council, of which the Judges of the Supreme Courts, in judicial and legislative matters, and some of the European and native citizens, should form a part; also to put an end to that injurious system of secrecy, which at present is the ruling principle of vice in the Indian administration, and to allow the Council to call for the proceedings of Government and its local officers, except in cases in which the Executive shall declare that State policy requires secrecy to be preserved. Your Petitioners further ask, that on questions of great importance to individuals, and classes of persons coming up for the decision of Government, the valuable privilege of being heard by counsel be conceded to those who may be desirous of availing themselves of it in support of their interest. With these measures your Petitioners believe that it would be absolutely necessary to strengthen the hands of the Executive Government, and that it would be highly desirable that there should always be among the more prominent members some persons trained and experienced in the public offices of England, who can bring to the consideration of public affairs a more extended knowledge and wider views than are to be expected from those European gentlemen who have passed all their days from boyhood in the bad systems of this country, and know no other by which to compare and improve them.

13. Your Petitioners forbear to trouble your Honourable House with the details of such a change, which are of easy construction, if its propriety be once acknowledged; and they equally wish to avoid repeating what they have put forth in their former Memorial, already, as they believe, referred to the Committee on Indian Affairs; but they are anxious to recall the attention of your Honourable House to that narrow and injurious system which gives to those educated at Haileybury College a Parliamentary right "to supply the vacancies in the civil establishments of India." Your Petitioners believe that the existence of this exclusive service, bound together like the members of one family, is incompatible with a more open council, and an efficient and responsible discharge of public duties. At present the natives of this country, however respectable, trustworthy and qualified they may be, are excluded from the higher grade of judicial and revenue situations, and from the regular medical service, to which covenanted European servants sent out from England are alone appointed, such exclusion being impolitic, unjust and contrary to the letter and spirit of the 87th section of the Charter Act of 1834. Your Petitioners respectfully reiterate their prayer, that the invidious and unjustifiable distinction between the covenanted and uncovenanted services, which excludes the natives from the higher offices, be abolished, and that natives of India

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may be allowed to fill all situations for which they may be qualified. By the adoption and practical operation of such a measure, a great stimulus will, your Petitioners feel convinced, be given to the cause of education and improvement in this country, a great deal of discontent will be removed, and inefficiency will be obviated. It is placed beyond controversy, by the testimony of official reports published by the local Governments, that the Grant Medical College at Bombay, and the Medical College at Calcutta, have recently produced as proficient and competent native surgeons and physicians as those sent out from England under "covenants."* Instead of admitting any of successful candidates into the regular medical service of Government, a new and distinct service has been created for them by the Indian Governments, the rank and emoluments of which are considerably inferior—a course which is calculated to lower this new medical service in the estimation of the public, and to perpetuate the distinction that has hitherto been preserved between Native and European agency, or uncovenanted and covenanted servants of Government. So rigidly is the line of separation preserved, that a native of India, named Dr. Chukerbutty, who recently left Calcutta to finish his medical education in England, where he greatly distinguished himself, and obtained the highest testimonials of proficiency, although recommended for an appointment as an assistant surgeon in the East India Company's medical service by the Right honourable Sir Edward Ryan and Mr. Cameron, gentlemen of eminent consideration for their past services, was, your Petitioners are informed, refused admission into the covenanted medical service by the Court of Directors, collectively and individually.

14. Your Petitioners cannot take leave of this important subject without requesting the favourable attention of Parliament to the suggestion made in their former Petition, with regard to the advisability of establishing a University or College, as proposed by that able and experienced servant of Government, Mr. Cameron, for the purpose of qualifying the natives for Government employ, of imparting profound and thorough judicial knowledge to native candidates for the bench, and of training up a superior and independent class of vakeels, or pleaders, who would elevate the character of the native bar, and be of great service in the efficient administration of justice in this country.

15. Your Petitioners would further ask, that, as regards the European servants of Government, a distinction, commencing in England, and preserved throughout, may be made between those who are destined to fill judicial offices in India and the executive officers of the Government; and that the former may be withdrawn from the operation of personal favour and individual patronage, and be selected, like the Judges in England, for their own merits and acquirements.

16. Your Petitioners believe, that if, whilst opening the highest judicial offices to the natives of this country, and fairly apportioning them between qualified natives and their European fellow-subjects, the office of Zillah Judge were thrown open to gentlemen of legal education, if no one were permitted to leave England for this purpose until twenty-six years of age, if a public committee, composed of four members named by the four Inns of Court, and two members by the Home Government, were appointed half-yearly to examine the candidates, selecting from them so many only as, according to the computed vacancies, were then required; if the course of examination, besides comprehending a knowledge of selected portions of the English substantive law, embraced the general principles of jurisprudence procedure, the law and constitution of India, and its modern history, a class of most able public servants to fill the office of Zillah Judge, and the higher grade, would be selected; and that a certain probation in India, ending with an examination of the candidates in two native languages, in the Hindoo and Mahomedan code, the local regulations, the tenures and customs of the country, would complete an education, and produce an efficiency, which would render the court of justice a blessing to the country, that would be heartily and gratefully acknowledged throughout the length and breadth of the land; and appellate courts, so constituted, would ensure to the English Government the firmest hold on the affections and interest of the people.

17. Your Petitioners, in their former Memorial, drew the attention of your Honourable House to the correspondence between the Board of Control and the Directors of the East India Company, contained in the 17th volume of the "Papers (printed in 1833, by order of the Court of Directors) respecting the Negotiation with His Majesty's Ministers on the subject of the East India Company's Charter;" and although well aware, from that correspondence, that they might justly have asked your Honourable House to discontinue the practice of periodically legislating for India, a practice exclusively connected with rights and privileges of the East India Company, put an end to by the arrangements made with them in 1833, still your Petitioners, not foreseeing the chance of arousing the interest and attention now bestowed on Indian affairs, petitioned your Honourable House to limit the period of existence of any future Government of India to ten years, but your Petitioners are now emboldened to ask your Honourable House not to debar them for any period of years from requesting a revision of what may be injurious in the coming India legislation; not to make them an exception to all British subjects in the distant colonies of the British Empire, who have all along been in the enjoyment of the privilege of approaching Parliament whenever the affairs of the colony have required imperial interference. It is simply necessary, Lord Broughton declared,

* *Vide* Appendix O. to the Report of the Grant Medical College for 1850–51. Dr. M'Lennan, Government Examiner and Physician-general, has publicly certified that, "as far as examinations can test fitness for engagement in medical and surgical practice, the graduates of the Grant Medical College have proved their fitness to as great a degree as I believe is ever done in Europe."

declared, in his speech in the House of Lords on the 1st March last, to pass an Act, providing for the best form of Government both in England and India, without limiting its duration to any number of years; an Act which, like any other statute, might, if deemed requisite, be modified, altered or repealed as occasion might require: and, carrying out the same principles still further, your Petitioners would respectfully observe, that it cannot be necessary to embrace all the subjects involved in the discussion of Indian affairs in one Act; and that the constitution of the Home Government, the constitution and powers of the several local Governments, the construction of a new judicial service, and each independent branch of inquiry, if made the subject of separate legislation, would, in all probability, receive more careful attention, and be more satisfactorily disposed of, than if the entire mass of Indian information be gathered together in one, and thrown into a single enactment.

18. Your Petitioners therefore humbly pray your Honourable House, that this Petition, like their former Memorial, may be referred to the Committee now sitting on Indian affairs, with a direction to them to have regard to its contents on any measures of legislation which the Committee may propose to Parliament; and that your Honourable House will be pleased, if necessary, to cause commissions to issue to disinterested and independent persons at the three Presidencies, to collect evidence on India as to the practical working of the systems of Government in operation; and that such Committees may be authorized to examine all Government servants of whatever rank, and to require the production of any of the records of Government, not connected with State policy, calculated to throw light on the subject of inquiry.

And your Petitioners, as in duty bound, will ever pray.

Bombay, 23 May 1853.

Jugonnath Sunkersett.
Bomanjee Homarjie.
&c. &c. &c.

PETITION, praying that a thorough Inquiry may be made into all Points affecting the Welfare of India, of Madras Native Association, and others, Native Inhabitants of the Presidency of Madras.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the Madras Native Association, and others, Native Inhabitants of the Presidency of Madras,

Showeth,

1. That your Petitioners having read in the Parliamentary proceedings, as reported in the "Times" and other English newspapers, that Her Majesty's Ministry considers most of the subjects of their Petition "would be more properly left for the action of the local Government," your Petitioners beg to represent that the revenue system, against which your Petitioners have stated their strongest objections, was called into operation in consequence of the Fifth Report from the Select Committee on the Affairs of the East India Company, dated the 28th July 1812, and printed by order of the Honourable the House of Commons, which states, at pages 123-124—

"It appears to the Committee, from the examinations which they have made into the effects of the ryotwar principle of settlement throughout the modern possessions of the Company under the Madras Presidency, that it has greatly improved the situation of the cultivator, by limiting the bounds of the public assessment, and adjusting the actual demand on each person subject to such assessment, according to his ability to satisfy it, by relieving him from the oppressive exactions of the native revenue officers, and securing him in the protection of his property and rights. So favourable a change in their condition has necessarily excited a confidence among the ryots in the equity and justice of the Company's government; and this confidence has derived material strength from having periodically and frequently opened to them a ready and direct channel of communication and intercourse with the immediate representatives of Government on all matters connected with their interests and grievances, which has had the effect of binding them, as it were, to it, and of rendering them the real, instead of nominal subjects of the Company; while the natural consequences have been, that the ryots have received a new incentive to industry, cultivation has been gradually extended, by which an augmentation of the public revenue has been yielded, without an increase of assessment."

2. That this favourable opinion respecting the ryotwar was given at an early period of its trial on a small scale; and it appears, from the preceding paragraph of the Report, to have been derived from the opinion of three or four collectors, who had been instrumental to the introduction of the experiment, among whom was Sir Thomas Munro; but eight years afterwards—during which it had continued on an increasing scale, and in a modified or improved form, called field ryotwar—when Sir Thomas came out as Governor of Madras, he found it absolutely necessary, as stated in your Petitioners' former Petition, to reduce the amount of the assessment in the district in which ryotwar pressed lightest on the people, namely, the ceded districts: 25 per cent. on dry and wet lands, and 33 per cent. on garden lands. Sir Thomas

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Thomas died in India in the year 1827, at which period it was found that the public revenue from the land had then decreased to 42½ lacs, from a revenue of 57 lacs in the year 1807, a convincing proof that the new system up to that date had been a failure.

3. That your Petitioners have not the means of knowing the present revenue arising from the ryotwar; but they know that, under its operation, the ryots have been reduced to poverty and wretchedness; and your Petitioners pray that, as the Parliament has been the author of it, or that, at least, it has been established by its sanction—although in opposition to the opinion and wishes of the local authorities, who declared it to be contrary to the ancient national institutions, and unsuited to the condition and genius of the people—the same authority may now be the instrument of its abolition; not by acting upon the evidence of the Company's servants, taken in England, but by instituting a full and impartial inquiry into its merits and demerits, on the spot where it is in operation, and among and from the people who are suffering under its withering oppression.

4. That your Petitioners are convinced that by no other mode will your Right Honourable House be able to form a just and clear judgment on the question so momentous to the native subjects of the Crown in the Presidency of Madras; for, without reference in this place to the bias from which the servants of the Company cannot be supposed to free themselves, when speaking as to the effects of the favourite system of their employers, and which they have contributed to enforce and maintain, your Petitioners will advert to a particular instance of misinformation given by a gentleman who, without being suspected of bias, has given positive evidence, the contrary of fact, before the Committee of your Right Honourable House.

5. That the gentleman alluded to is Mr. Charles Hay Cameron, formerly the fourth or Law Member of the Council of India. This gentleman having been interrogated by the Committee which sat during the course of last year, regarding the *Lex Loci* of 1845, framed, as your Petitioners have reason to believe, by himself, and having admitted the receipt of a remonstrance against it from the Hindus of Madras, and Mr. Secretary Bushby's reply, is asked—

"No. 2098. What was the end of it?

"The law was not passed then, but it has been passed since.

"No. 2099. Was any reply made on the part of the remonstrants to the paper which you have read?

"No reply; I believe the justice of the doctrine was acquiesced in."

And in a subsequent examination the same gentleman is asked—

"No. 2359. Was there any reply received from the Petitioners after that document [Mr. Secretary Bushby's letter of the 24th May 1845] had been communicated to them?

"There was no reply received; there was another remonstrance of the same kind from some Hindoos at Calcutta, in reply to which we enclosed the answer that we had previously sent to the Madras Hindoos, stating that that contained our principles on the subject."

"No. 2363. After the passing of the *Lex Loci* had been suspended, in the manner which you have described on a former occasion, at what period was the subsequent law of the three articles introduced, proposing to re-enact those provisions with respect to the property of Christian converts?

"Legislative Consultations of the 2d August 1845, I find to be the marginal note on the draft made by me.

"No. 2364. Are you aware of any remonstrance, analogous to that from Madras, which had been previously addressed to the Government, having been repeated when those clauses were proposed as a separate measure?

"I have no recollection of any such remonstrance; I never heard of any after the two I have mentioned."

6. That Mr. Cameron had no intention to mislead the Select Committee of your Right Honourable House is clear, from his reply to question—

"No. 2366. Your evidence as to the appeal against the clauses applied to what occurred during your own stay in India?

"To what occurred during my own stay in India."

But as the fact of silence on the part of the Madras Hindoos seems to be implied by another evidence, Sir Herbert Maddock, who, when stating, in answer to No. 2239, that a remonstrance was made to Mr. Bushby's reply, points out (No. 2241) that it was from the Hindu inhabitants of Bengal, Behar and Orissa, the inference left on the minds of the Committee, your Petitioners apprehend, must have been, that the Madras Memorialists acquiesced in the justice of the doctrines, as stated by Mr. Cameron; and, as such an inference is not warranted from the facts of the case, your Petitioners deem it of consequence to explain the circumstances as they actually occurred.

7. That no reply was sent to Mr. Bushby's letter from the Hindus of Madras during Mr. Cameron's residence in this country, is undoubtedly correct; but as soon as the draft of the Act of "three Articles" was promulgated in the "Fort St. George Gazette," at this Presidency, in November 1849, a remonstrance was immediately forwarded against it to the Supreme Government, regarding which Mr. Bethune, who had succeeded to Council as Law Member, observes, "a great part of it is taken up with an elaborate argument in reply to Mr. Bushby's answer to the Memorial of 1845." This remonstrance was printed, along with other papers, by order of the Honourable the House of Commons, on the 7th May 1851;

1851; and your Petitioners beg to state that neither they nor the remonstrants, nor the Madras Hindu community, have ever acquiesced in the doctrines laid down by Mr. Bushby, but, on the contrary, they consider the legislation on the *Lex Loci* to be a direct infringement of their civil rights, and a positive violation of the Act of the Imperial Parliament, 21 Geo. 3, c. 70, ss. 17 & 18, as well as of the 53d section of the present Charter Act.

8. That your Petitioners allude to this circumstance chiefly to show the manifest uncertainty of the evidence taken before the Parliamentary Committees; and as the witnesses examined, without a single exception, are persons who have received, or are still in the receipt of, benefits from the East India Company, your Petitioners are compelled to believe that the actual state of things cannot be correctly ascertained, without sufficient evidence being admitted on both sides of the several questions which have to be determined; and your Petitioners therefore humbly represent, that nothing but a full and impartial investigation, in this country, accessible to the complainants, as well as to the defendants, can place before your Right Honourable House the real state of India, and the existence of the many and heavy grievances of which they have complained as regards the Presidency of Madras; they therefore respectfully request that a Royal Commission may be appointed, before which they may have the opportunity of substantiating the facts advanced in their former Petition.

9. That your Petitioners beg to represent that an Indian Commission is not altogether a novelty, there being a precedent in the one appointed in the year 1814, of which Sir Thomas Munro was the head, for the purpose of inquiring into and amending the judicial system then obtaining at this Presidency; but as not only the judicial system, but likewise that of the revenue, as also the various other complaints preferred by your Petitioners, imperatively demand investigation at this critical period, your Petitioners pray that the Commission they now seek may be constituted upon the widest practicable basis, to the end that the inquiry may be searching, impartial and complete; and that no permanent legislation for India may be undertaken until the fullest information possible shall have been laid before and fully discussed by, the Imperial Parliament of the United Kingdom.

10. That your Petitioners have already requested the continuance of the Councils at the minor Presidencies; and they now respectfully reiterate their prayer to have them constituted on the precedent of the Council of the island of Ceylon, in which your Petitioners' countrymen have enjoyed seats for a series of years; and, as your Petitioners understand that constitutions have been, or are on the eve of being, granted to the settlements of the Cape of Good Hope and New Zealand, admitting the natives there to the same electoral and municipal privileges as the European Colonists, they humbly and anxiously trust, that your Right Honourable House will not deem the barbarians of the former, and the cannibals of the latter colony more deserving or more fitting to be entrusted with a share in the management of their own affairs, than the inhabitants of a country which, for scores of centuries, has been renowned throughout the world for its civilization, literature and commerce, and which had its own sovereigns, governments and codes of law long before the English nation had a name in history.

11. That while your Petitioners acknowledge, and have asked for, the advantage of a reconstruction and improvement of the home and local administration of India, yet that alone will be of no avail to redress the grievances and reform the abuses of the local governments, so long as they are composed of two or three Company's officials, legislating in the utmost secrecy, and concealing with the most assiduous carefulness the whole of their transactions; secure not only from all check, but from the least shadow of knowledge on the part of the people, whose interests are unfortunately considered of not the slightest consequence to the Government, whose duty it is to legislate for their sole benefit.

12. That your Petitioners will consider themselves and their community deeply humiliated and deeply aggrieved if, after the open acknowledgments of persons high in office in this country and in England, that they are as capable to hold responsible employments as the members of the now exclusive civil service; that they are their equals on the bench, and successful competitors in the study of European arts, science and literature; they are longer shut out from the offices for which they are confessedly qualified, while the savage Hottentot and New Zealander are preferred before them.

13. That your Petitioners finally conclude with the expression of their earnest hope and prayer, that sufficient time may be granted for a thorough inquiry into all points affecting the welfare of this country, as distributed under the eight heads laid down by the Committee of your Right Honourable House; that the local Councils may be retained, and modelled upon the constitutional principle before adverted to; and that a Royal Commission, composed of Europeans and Natives conjointly, chosen partly in Europe and partly in India, may be issued to enter upon and complete the necessary investigation in this country.

And your Petitioners, as in duty bound, shall ever pray.

CHATEHUNSUARNHEE CHITTY, Chairman.
P. RYA CHITTY.
&c. &c. &c.

Madras, 21st May 1853.

Appendix D.

PETITION of Mr. GEORGE J. WATERS, late a Justice of the Peace in INDIA, and a Covenanted Civil Servant of the East India Company, on the MADRAS Establishment, now of CLEVEDON, in the County of SOMERSET, complaining of his Removal, without Cause, from certain Offices which he held in India.

To the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled.

The respectful Petition of Mr. GEORGE J. WATERS, lately a Justice of the Peace in India, and a Covenanted Civil Servant of the East India Company, on the Madras Establishment, now of Clevedon, in the County of Somerset,

Humbly showeth,

1. THAT your Petitioner twice passed the examinations of the College at Haileybury with credit, and (obtaining honourable mention of obedience to the rules of that institution) finally stood the fifth among eight of 120 students "highly distinguished;" also that he received a donation of 1,000 pagodas, or 400*l.*, in the College of Madras, for a knowledge of certain Native languages.

2. Rising through the minor grades of the judicial branch of the service, your Petitioner has held the office of Zillah and Civil and Sessions Judge, together with Her Majesty's Commission of the Peace, in various districts; also of Judge of Appeal and Circuit in all four divisions of the Madras territories, which no other civilian has ever done; during these circuits, which have necessarily subjected him to every vicissitude of a most trying climate, to a wandering life, separated from his family for many months, to extreme danger from sudden inundation and swollen rivers, to hazard of destruction in the northern division from the rebel chief, Pack Row; he has had, through a course of 800 miles, to clear calendars (especially in times of famine) consisting of at least 1,000 prisoners, with five times as many witnesses; the labour and fatigue, both in a bodily and mental point of view, attendant upon such vocations, and of subsequently transmitting to Madras, with translations into English, the records of trial in numerous cases of murder, &c., and in cases where there may have existed a difference of opinion between the Judge and Mahomedan law officer, is left to your Honourable House to imagine; receiving the repeated acknowledgments of different governments, your Petitioner (who has also acted in the Secret Department, under Sir Thomas Munro, and as Civil Auditor and Mint Master at Madras) was at length appointed First Judge of the Sudder and Fouzdary Udalut (or Chief Court of Civil and Criminal Judicature) at the Presidency, and naturally anticipated, in due course, a seat in Council.

3. Your Petitioner respectfully represents that, from the high and honourable position above designated, he was removed by the Marquess of Tweeddale (the then Governor), without cause, on the 20th of October 1846, and his hope of providing for a numerous infant family frustrated; also, that the Court of Directors of the East India Company, to which body he looked for redress, confirmed the act of the Marquess on the 20th January 1847, in utter disregard of the facts of the case, and unmindful of a long, faithful and (it is hoped) efficient course of service of 35 years.

4. In laying before your Honourable House the reasons assigned by the aforesaid authorities for an act which all who have seen the papers utterly condemn, your Petitioner, who is unable to meet the expenses attendant upon legal proceedings, and who has striven in vain to induce the Court of Directors to reconsider the case, and to draw the attention of the Proprietors of India stock to a matter so deeply involving (in its consequences) their very existence as a body, humbly and fervently implores your Honourable House to grant him a patient hearing: unless this prayer be acceded to, the door of justice must remain closed to him (and to many dependent upon him) for ever in this world.

5. A simple perusal of the official acts of the Marquess of Tweeddale in this matter will (it is believed) lead your Honourable House to conclude that he was not qualified by previous pursuits to realise the facts of the case, or to deal efficiently with its circumstances, consequently, that many of the mistakes apparent upon his writings, may be attributed to errors of judgment. This cannot be said of the Court of Directors; their duty was to have fully informed themselves, and to have set matters right.

The facts, divested of Indian phraseology and technicality, are briefly these:—

6. In the year 1845, the three Judges of the Sudder Court (Messrs. Waters, Lewin and Boileau) officially disagreed: 1st, upon a construction of law, originating with serious outrages perpetrated by the Heathen upon the Christian converts of Tinnavelly: 2d, upon the propriety of furnishing the Government with certain judicial information which they had called for; and, 3d, upon the expediency of forwarding a protest against such call to the Court of Directors. This state of things was well known to the Government of Madras; and your Petitioner, on the 25th June and 2d of July, and subsequently (or on the 8th July and 2d and 11th of August 1846), the other Judges officially informed the Marquess to the effect that the energies of the Court were paralysed, the administration of justice in the provinces suspended at the fountain head, and numbers of men lying in gaol whose cases could not be adjudicated upon; consequently that his orders were immediately necessary.

Now

Now, it will be obvious to your Honourable House, that, "had the Government not neglected the letters above mentioned, and, forgetful of its duty, allowed the administration of justice to be placed in abeyance, the matter might at once have been set at rest." Instead of this, nothing effectual was done or communicated to the Judges for months, or until September and October 1846, when the Marquess broke up the Court, and removed the Judges, with Mr. Philips, the Registrar, from office.

7. Such procrastination and procedure certainly manifested no regard for the interests of the people, and no sense of humanity or justice towards the Judges and their families; it, moreover, left the great legal question which had divided the Court undecided. The order, too, of the Marquess stands in direct opposition to two Acts of the Imperial Parliament of Great Britain, namely, Act 39 & 40 Geo. 3, c. 79, s. 12, and Act 3 & 4 Will. 4, c. 85, s. 59, which placed him (as residing upon the Nillgherry Hills, and absent from his Council) in the position of a private individual, and lodged the powers of government in the hands of Mr. H. Dickenson, the Counsellor then at the Presidency. The Marquess may not have been aware of this; not so the Court of Directors, who affirmed the act, for your Petitioner brought it to their notice in a letter, dated the 1st January 1849, and Mr. Sullivan, formerly a member of Council at Madras, had (it is said) brought forward the fact during the government of Mr. Lushington; and the temporary or "three months" Act 1 of 1835, passed by the Legislative Council of India (possibly in consequence), can, under no circumstances, annul any Act of Queen, Lords and Commons. It is undoubtedly the fact that the Court of Directors have presumed, practically, to abrogate two Acts of the Imperial Parliament, and through such medium deeply injured your Petitioner.

8. The dissensions which occurred in the Sudder Court might have been obviated from the beginning, had not the Marquess appointed Mr. Boileau as third Judge. This gentleman, since deceased, a kind and warm-hearted man, but not qualified to sit in a Court vested with authority to pass sentences of death, without appeal, and to decide civil claims in the last resort, unlimited in extent, himself told me (not in any confidence), that when his appointment to the Sudder Court was proposed, Mr. Dickenson, the junior Counsellor, had placed upon record a minute noting his incapacity to fill the said office, and that he had, notwithstanding, been forced into it! The arrangement, to quote from his memorial, appears to have been made to save money; it runs thus: "His Lordship desires me (one of the assistant Secretaries) to point out to you that, as you are at present drawing a salary above the amount now fixed for Sessions Judges, a reduction to that extent would most probably follow your refusal of the present offer," that is, of a seat in the Sudder Court.

9. In the very order of the 17th September 1846, by which the aforesaid gentleman was removed from the Sudder Court, on the grounds that he was wanting in discretion and judgment, and in the independence of mind and character essential for the efficient performance of the important duties devolving on the Court" (the very thing which, it must be presumed, had been previously recorded in Council), he was promised another early appointment in the judicial branch of the service! Accordingly, at an early period he was appointed to the situation of Civil and Sessions Judge, a situation embracing vast power (though subordinate in some, not in all respects, to the Sudder Court), and calling for great "discretion and judgment." And this appointment the Court of Directors (who, for reasons assigned, had confirmed the removal of the third Judge from the Sudder Court) virtually affirm. In mercy to the millions of Hindostan, your Honourable House is requested to look into these things. Decrees, proceedings and orders have frequently come officially in appeal before your Petitioner (who can supply you with much valuable and astounding information), most disgraceful in their character, passed by men utterly incompetent to fill the office of a Judge, and often unacquainted with the laws, especially where removed from the revenue branch.

10. As regards your Petitioner, who had conscientiously sided with the Government in the matter of their call for papers and the protest, and, in consequence, been led to record minutes opposed to the sentiments of the Second and Third Judges, his removal from office involved an enigma which astonished every person (even the second and third Judges), and Mr. Dickenson (then by Acts of Parliament the Governor) suspended the order for a full month, and recorded minutes against it. Mr. Chamier, the senior Counsellor, then absent on sick leave upon the Hills, is said positively to have refused to join the Marquess in his proceedings. Your Honourable House is implored to call for papers: the proceeding is very serious in its character.

11. The Marquess, in his order of the 20th October 1846, for the removal of your Petitioner, adduces no corrupt practices, no act of disobedience or neglect of duty, or of incapacity; no crime or moral offence or failure in respect to the social or relative duties of life; nothing, in short, is adduced but alleged "irregularities," to justify the measure, and which, if they were such, should have been noted at the time when they were brought officially to his notice by your Petitioner himself. He ought not to have been left to suppose that his measures were approved by the Government, perhaps to repeat the irregularity in consequence, and after the expiration of months to find himself degraded and removed from office; surely humanity, independently of still higher principles, should have been permitted to plead at least in behalf of the children of one who had faithfully toiled amidst death and suffering for 35 years in such a climate as India.

12. Your Honourable House will fully understand the force of this argument (and, it is hoped, adopt a similar resolution), if you will turn to the decision of Lords Langdale, Brougham, Campbell and Sir A. Johnstone, of Her Majesty's Privy Council, who condemned and reversed the order of the Judges of the Supreme Court at Madras for the removal

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removal of Mr. Minchin, who filled some honourable post under the Judges. It was ruled, upon the occasion in question, that if Mr. Minchin was in error, he ought to have been told so at the time, seeing that the Judges had long been cognizant of the matter.

13. Your Petitioner will apply this. The Marquess, in his order of the 20th of October 1846, assigns as one irregularity, that your Petitioner had refrained from placing a certain letter, addressed by him to the Government on the 25th June 1846, upon the records of the Court. Now, this very fact, which your Petitioner himself brought to the notice of the Second and Third Judges in Court, and to the knowledge of the Chief Secretary, then with the Marquess upon the Hills, he also communicated officially to that nobleman on the 14th of July 1846. In this letter the Marquess was requested to bring the fact, if necessary, to the knowledge of the Court of Directors, and informed that, if the letter were placed on record, it would probably, like many others, be sent with very injurious effects to the newspaper by some one in the office, and, perhaps, excite tumult among the natives. The minutes of the Second and Third Judges, or all they had to say upon the subject, accompanied. Now this proceeding was before the Marquess for more than three months; and if there existed any irregularity, why did he not say so at the time, especially as the Court of Directors had been referred to?

14. Your Honourable House will learn with great regret that this letter of the 25th of June 1846, made upon such extraordinary grounds the medium of his removal from office, was acknowledged by the Marquess, and acted upon in his minute of the 24th of July 1846, and when the letter of the 14th of July (above noted) must have been before him. The Marquess is here clearly shown, with knowledge of all circumstances, to have, as it were, adopted the very letter on account of which your Petitioner, months afterwards, was removed by him from office. Such removal, were it just, virtually pleaded for the removal of the Marquess also, as the Court of Directors must have perceived.

15 The Court of Directors, speaking of this, call it a "secret transaction." How secret, when all were told of it? Minutes forwarded, the Court of Directors referred to, and reasons assigned, which, if deemed unsatisfactory, should have led the Marquess to have ordered it to be placed instantly upon the records, and not at a subsequent period. This nobleman himself, obviously annoyed at the remark of the Directors as reflecting upon himself, says, in his minute of the 23d of March 1847 (no doubt referring to your Petitioner's letter of the 14th of July 1846), "There was nothing in it to indicate that it was intended to partake, or did in any way partake, of the character of a private or secret accusation." What conceivable object, it may be asked (for none has been assigned), could your Petitioner have had but the legitimate and humane object he from the first set forth, namely, that of preventing the possibility of revolt and bloodshed in connexion with the Tinnavelly outrages, and of preventing the further spread of the bitter animosities which then agitated the Presidency?

16. The Court of Directors, in remarking that your Petitioner should have communicated with the Judges, have altogether overlooked the fact that his sentiments were already before them in a case precisely analogous, and where compliance with the orders of Government had been attended with the happiest result. They have also (though both circumstances were communicated to them) deemed it right to pass over the fact that the Third Judge, who had coincided with your Petitioner, and endorsed upon the letter from Government, "This requisition (that is the Government requisition for papers) should be conformed to without loss of time," suddenly changed his mind, and embraced the views of the Second Judge. Thus thwarted, and placed in a minority by a gentleman who ought not to have been appointed to the Court, your Petitioner deemed it the proper course to address, not the Second and Third Judges, who knew his sentiments, and had placed their determination upon record, but the Government. If in this respect he erred (which is not admitted), he ought to have been told so at the time.

17. Another "irregularity" noted is, that your Petitioner had used the words "Heathen and Christians" in his public writings. Now, in a minute dated the 23d of March 1847, the Marquess himself admits that he had frequently done the same thing, and objects to the censure of the Court of Directors passed against him, on the grounds that they ought, at an earlier period, to have noticed the circumstance. Had the Marquess extended this consideration to your Petitioner, he would not have been necessitated to seek redress from your august tribunal.

18. Another "irregularity" adduced is, that your Petitioner had, on the 16th of July 1846, addressed a letter to a certain newspaper in "self-defence," when slandered in the newspapers. Now, your Petitioner, on the 23d or 24th of July, informed the Government that he had done so. If incorrect, why was he not then rebuked, instead of being left, perhaps, to repeat the "irregularity," and meet with dismission months afterwards? Your Petitioner gave publicity to no official document, and, consequently, committed no offence. So strictly, indeed, was his letter confined, as the Marquess admits, to "self-defence," that the public were requested to suspend all judgment till the truths, in deference to Government orders, could with propriety be made known. It was the duty of the Government themselves, by the Bengal letter of the 30th of August 1843, to have protected your Petitioner upon other occasions when attacked by writings in the office; but this they utterly neglected to do. The letter in the newspaper was signed, it is remarked, in a feigned name. Yes, to prevent a paper war among the editors throughout the Presidency, and to prevent the spread of uncharitable remark and ill-will, it was so signed; and, seeing that it was solely written "in self-defence," what does it signify how it was signed?

19. The Marquess adverts, also, to an altercation which took place (not in the court, but in chambers).

management of the revenues of a portion of that part of the country, and were afterwards entrusted by that Government with the farm of land and sea customs, which they held up to 1836, when it was extended from the Candeish collectorate as far as the precincts of Goa, the Portuguese settlement. The manner in which they fulfilled this important trust has been appreciated by the Government of Bombay in one of their letters to your Petitioners' fathers, dated 28th March 1836, at the time of abolishing the land customs, in the following words: "The correctness and punctuality displayed by you in your extensive dealings with Government entitle you to every consideration." The result of these extensive dealings has been recorded by one of the officers of Government in his letter to the Revenue Commissioner, dated 31st August 1835, in the words following: "Viccajee Merjee, on the contrary, takes an honest pride in showing the extent to which, by his enterprising spirit, he has not only more than doubled the resources of Government during the short space of seven years, but accumulated for his descendants a competency; and he may well boast of never having given Government a single cause to regret their having given to him, a private individual, the management of an extent of territory, and a sum of money, never before equalled in the records of any Government;" to this your Petitioners could add many other testimonies equally pointed and conclusive.

In 1836, when the land customs were abolished, Viccajee Merjee and Pestonjee Merjee were of necessity unemployed, and as they were excluded from all occupation suitable to their birth, position and abilities in the British territories, they were induced to repair to the Nizam's country, which is bordering on the Bombay Presidency, with the object of increasing the cotton trade from Berar to Bombay, which they had the honour of first opening during their farm of the land and sea customs entrusted to them by the British Government. On this occasion the Nizam's minister, the late Rajah Chundoolall, repeated an offer which he had previously made, to put certain cotton districts of Berar under their management; and on their agreeing, after obtaining possession of those districts, to give loans to the Government, Viccajee Merjee and Pestonjee Merjee, according to the policy invariably pursued by the English Government in India, having no chance of obtaining employment in the British territories suitable to their rank and position, accepted the offer, and agreed to give, and did give, the loans required by the Nizam's Government, it being an express condition, on their making the said advances, that they should hold possession of certain districts in Berar.

The demands for such loans grew gradually more pressing from day to day, and in 1841 seriously alarmed your Petitioners, as well as their fathers, and those towards whom they themselves had contracted engagements, in order to obtain the means to meet the demands of the Nizam's government. However, at this time Viccajee Merjee and Pestonjee Merjee, as security for the loans made, a security in which many British subjects had a deep interest, held possession of certain of Berar districts, yielding a gross revenue of 23 lacs of Hyderabad rupees, or 200,000 *l.* On this occasion they submitted to the Nizam's Minister the circumstances which had put their credit in danger, and it was thereupon agreed, with the consent of both parties, namely, of Viccajee Merjee and Pestonjee Merjee, and the Nizam's government, that they should give up possession of nearly half of the districts then held by them, and should retain that of the other half on the condition that an instrument should be deposited in the British Residency, specifying the districts that were to remain in their possession; and that such possession should be confirmed and continued until the claims of the firm of "Pestonjee Viccajee" were liquidated in full. This arrangement was accordingly carried into effect, the instrument or deed giving effect to it bearing date the 18th October 1841, which concludes in these words, that "it has been decided by the Government that, until the liquidation of the aforesaid sum, with interest, the possession of the districts is confirmed and will be continued to him (Pestonjee Viccajee)," was deposited by the Nizam's government in the British Residency; and on the execution of such deed, the possession of nearly half of the districts held by the firm was then, and not till then, given up by them to the Nizam's government. By this arrangement your Right Honourable House will observe, that if there had been no meaning in the condition, that the instrument in question should be deposited in the British Residency for the security of the possession of the districts specified in it, which were of the gross revenue of 13 lacs of rupees, your Petitioners, as well as their fathers, would not have agreed to the arrangement specified above in preference to the actual possession of the whole of the districts, which were of the annual value of 23 lacs of rupees. The cession of the districts, yielding a revenue of 10 lacs of rupees, was solely made for the sake of obtaining what your Petitioners, as well as their fathers, considered the specific security of the British Government, or at least the recognition by that Government of the transaction.

The original instrument now lies in the British Residency, and your Petitioners' fathers were furnished with an authenticated copy of it by the Resident, "for the satisfaction of their creditors," as by himself notified to the Nizam's government in his letter of the 19th October 1841, before sending a copy to your Petitioners' fathers.

Your Right Honourable House will observe, that your Petitioners and their fathers were aware that, as British subjects, they could not have recourse to those means of resistance to the unjust violence of the Nizam which the subjects of the Nizam employ without scruple, and invariably with success, and therefore your Petitioners' fathers provided, as they conceived, for their security and the security of their creditors, by depositing the aforesaid instrument in the British Residency representing the British Government in India, and by obtaining a copy of it from the Resident under his official authentication, "for the satisfaction of their creditors."

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Now, your Petitioners beg to show how much confidence they and their creditors had in this arrangement and in this "satisfaction," and in what manner subjects of the British Crown in India have endured wrong, because they have faithfully performed their duty by claiming the mediation and relying on the protection of their own Government in preference to any attempt to obtain redress by violent resistance to the unjust and illegal conduct of the Nizam.

The financial position of the Nizam's government becoming every day more critical, by reason of continuing demands upon it for the pay of the British contingent, and for other equally urgent State purposes, while the government treasury became every day less able to meet them, the government was on several occasions obliged to have recourse to the firm of Pestonjee Viccajee, who again assisted it in its difficulties, by making the necessary advances, with a stipulation in writing, from the Nizam's government, bearing date the 5th of May 1843, in the words following: "That until the liquidation, with interest, of your claims, former and present, agreeably to the signed accounts, the possession of the said districts is confirmed and will be continued to you, of which you may rest satisfied." The last sum that was advanced by the firm was only five lacs of rupees, given to the Nizam himself, on his solemn assurance of good-will, and on his engagement to repay it in six months.

Just four months after this, towards the end of June 1845, the Nizam's government, then indebted to the firm to the extent of about 300,000 *l.*, acknowledged by the government, issued orders to its own troops to wrest the mortgaged districts from the possession of the firm; these orders were in such direct contradiction of the aforesaid arrangement and "satisfaction," that it may be asked what could have led the Nizam's government to such outrages, and breach of faith pledged to British subjects, through the mediation of the British representative, by an instrument deposited in his residency?

Your Petitioners beg to state, that the Nizam's government, instead of assigning any reason for such a breach of faith, even assured the British Resident, at the time the orders of violence were issued, by a letter, dated 30th June 1845, that the claims of the firm would be paid in cash, by six lacs of rupees annually, through the Resident, until they were liquidated, which promise, however, has never been fulfilled, but has shared the same fate as the mortgage arrangement and the "satisfaction." But your Petitioners have every reason to believe that this breach of faith on the part of the Nizam emanated from a conviction that a British subject, in consequence of his allegiance to the British Government, could not follow the example of his Highness's own subjects, and enforce justice for himself, by taking the law into his own hands.

Your Petitioners would here point out how the subjects of the Nizam compel their government to do them justice. It is a fact well known to the British Residents and officers who have resided in the Nizam's country, and of course through their reports to the Government of India, and a fact attested by a letter now in possession of your Petitioners, from the English officer in command of the contingent troops stationed in the districts, that when the Nizam's government issues orders to its own troops to sequestrate districts held by its own subjects for the liquidation of their claims on the government, they, the district holders, resist the Nizam's troops by all possible means, maintain possession of their districts, and thus compel the government to act in conformity to its engagements and agreements. During a period, dating from a year previous to the dispossession of your Petitioners from their mortgaged districts, up to the present time, such instances of the district holders offering open resistance to the Nizam's government have occurred more than ten times under the eyes of the British authorities there, a fact which your Petitioners are ready to prove, if required.

If these district holders have been able to protect their property against the violence of the Nizam, though their districts were of much less extent in value than those assigned to the firm, and being much less beloved by the inhabitants of those districts than your Petitioners' fathers, it is reasonable to suppose that your Petitioners and their fathers, who had the possession of a part of the Berar districts, yielding 13 lacs of Hyderabad rupees, or 110,000 *l.* per annum, and extending from the eastern frontier of the Nizam's territories as far as the western, could (and the fact is so) have maintained possession of the country mortgaged to them, in defiance of the illegal orders and violence of the Nizam. But the fact of their being British subjects imposed on them the necessity of submitting to wrong, instead of following the example of others, by taking the law in their own hands.

Your Petitioners' fathers, therefore, as British subjects, appealed to the British Government for protection, by a Petition, dated the 24th June 1845, at the very moment the orders of violence were issued by the Nizam's government at Hyderabad, and handed that Petition to the British representative at his Highness's court.

The Resident, before despatching the Petition to the Government of India, considered it his duty to endeavour, in the first place, to prevent the injury and wrong being inflicted on your Petitioners and their fathers, and with that view interfered by addressing a letter of remonstrance to the Nizam's government at the very time the orders of violence were issued; but it had no effect; the Resident, therefore, despatched the Petition to the Government of India for further orders, together with the copies of the correspondence on the subject.

In the meantime the Nizam's troops wrested the possession of the mortgaged districts from your Petitioners' fathers by violence and bloodshed, the particulars of which were duly reported by them to the Resident by two letters, dated 2d and 9th August 1845, and by the latter to the Government of India, for consideration, in continuation of the appeal which they had already made.

Soon

Soon after your Petitioners and their fathers had thus been unlawfully and forcibly dispossessed of the districts formally transferred to them as security for the advances made by them to the Nizam's government, and after having had their servants remorselessly murdered (no pretext for such violence and cruelty having been afforded by resistance on their part to the troops of the Nizam), your Petitioners and their fathers had the disappointment of receiving a letter, on the 9th of August 1845, in reply to their aforesaid Petition, refusing all protection or interference on the part of the British Government.

Your Petitioners humbly implore your Right Honourable House to consider the ruinous consequences to them of this refusal on the part of the Indian Government to extend to them that protection which they humbly ventured to think they were, as British subjects, entitled to demand, and they would hope not the less so from the confidence and reliance they had always placed in the disposition, no less than in the power, of the British Government to protect all its subjects from acknowledged injury and wrong, and the consequent determination of your Petitioners, as well as their fathers, to abstain from those means of obtaining redress for themselves which would have been sanctioned by the lawless practices and customs of the Nizam's dominions, but which would have been plainly at variance with their duty and allegiance as subjects of the English Crown.

Since that period, namely, June 1845, up to the present time, namely, August 1853, your Petitioners, as well as their fathers and their creditors, being British subjects, have incessantly submitted their wrongs and claims to the consideration of the British Government, both in India and England, at the several times hereinafter stated:—

1. Petition to the Government of India from the Hyderabad firm of Pestonjee Viccajee, dated the 24th June 1845.
2. Petition to the Government of India from the Bombay firm of Viccajee Merjee, dated 7th July 1845.
3. Petition to the Government of Bombay from the Bombay firm of Viccajee Merjee, submitting the above Petition of the 7th July 1845 for transmission to the Government of India, with a recommendation on behalf of the Petitioners.
4. Petition to the Government of India from the Hyderabad firm of Pestonjee Viccajee, dated 4th March 1848.
5. Petition to the Government of India from the Hyderabad firm of Pestonjee Viccajee, dated 11th May 1848.
6. Petition to the Government of India from the Bombay creditors of the firm of Viccajee Merjee, dated 13th March 1848.
7. Petition to the Government of Bombay from the Bombay creditors of the firm of Viccajee Merjee, dated 28th February 1848.
8. Petition to the Government of India from the creditors of the firm of the Calcutta Branch, dated 15th March 1848.
9. Memorial to the Court of Directors from the Hyderabad firm of Pestonjee Viccajee, dated 9th November 1850, submitted through the Government of India.
10. Memorial to the Court of Directors from the creditors of Viccajee Merjee and Pestonjee Merjee, made on their behalf by their trustees, dated Bombay, 29th October 1850, submitted through the Government of India.
11. A brief statement of facts laid before the Court of Directors by a letter, dated London, 23d April 1851, from Jevanjee Pestonjee and Rustomjee Viccajee.
12. Petition to the Government of India from the firm of Pestonjee Viccajee, submitted by their agents in Calcutta, dated 18th February 1852.
13. Petition to the Government of India from the firm of Pestonjee Viccajee, dated 26th May 1852.
14. Memorial to the President of the Board of Control from the firm of Pestonjee Viccajee, submitted by their agents in London, accompanied with a case, dated 21st March 1853.
15. Letter to the President of the Board of Control from Jevanjee Pestonjee and Rustomjee Viccajee, dated 9th June 1853.
16. Letter to the President of the Board of Control from Jevanjee Pestonjee and Rustomjee Viccajee, dated 21st July 1853.

Nevertheless your Petitioners, as well as their fathers and their creditors, have unhappily hitherto failed in getting redress. No reason whatever is given by the President of the Board of Control for denial of protection to British subjects in India, as prayed by your Petitioners in their memorial to him; but your Petitioners believe that the argument which the Court of Directors urge is, that they have laid down a principle of non-interference in Native States in India, lest the interference of the irresistible power of the British in the weak state of the Nizam may be supposed to give the force of dictation to their representations. Your Petitioners, however, humbly submit to your Right Honourable House, that whereas in their case a very weak power has committed a very grievous wrong with perfect impunity, to which their duty, as British subjects, has compelled them to submit without resistance, it follows conclusively that if the policy adopted by the authorities in India shall be maintained, the consequence of being a subject of the British Crown in India must be, that such subject must either desist from all transactions with the government of a Native or Foreign State, or must consent to be the unresisting victim of the violence or oppression practised upon him.

Your Petitioners beg the attention of your Right Honourable House to a principle adopted by one of the most distinguished men whom India has ever produced, namely, Lord

Appendix D.

Lord Metcalfe, who held the office of British Resident at the Court of Hyderabad, and with whose views and opinions none of the authorities of his time, either in India or in England, were known to differ. Lord Metcalfe, when Resident at Hyderabad, wrote in a despatch, dated 31st August 1822, to the Government of India as follows: "I suppose our interference in his Highness's affairs to be not merely a right, but a duty, arising out of our supremacy in India, which imposes upon us the obligation of maintaining the tranquillity of all countries connected with us, and consequently of protecting the people from oppression, as no less necessary than the guaranteeing their rulers against revolution."—"Interference in the internal concerns of States under our protection is neither desirable nor generous when it can be avoided, and should only then be resorted to when it is clearly necessary for the preservation of the people from the misery and destruction which must ever attend oppression and misrule."—"In every case where we support the ruling power, but more especially in such a case as that last described (supporting the minister of the Nizam), we become responsible, in a great measure, for the acts of the government, and if they are hurtful to the people, we aid in inflicting the injury." Your Right Honourable House will further observe, that the Court of Directors, in their despatch to the Government of India, dated 21st January 1824, have issued instructions in the words following: "We agree with Sir Charles Metcalfe, that 'a system of non-interference, founded on regard to the rights of an independent Sovereign, if practicable under the circumstances of our intimate connection with the Nizam's government, would have great and decided advantages, and is that which we ought to endeavour to establish, provided always that the irresistible strength which our protection affords to the government be not converted to the oppression of the people.' The concluding consideration in the foregoing passage is most important, and constitutes in our mind the strongest objection against our withdrawing from all interference in the concerns of a government which we are bound by treaty to protect, however tyrannical and oppressive may be its proceedings." Such was the policy of the authorities in India and in England, based upon sound, moderate and just principles, while Lord Metcalfe was in India; and your Petitioners do not hesitate to state the subsequent deviation by the Court of Directors from the very principle laid down by a statesman of great experience and undoubted ability in the organization of Indian politics, and adopted by the authorities of his time in India and in England, has been the very direct and immediate cause of anarchy, oppression and tyranny over millions of human beings in that country, whose only refuge, when intolerably oppressed, is in emigration or insurrection, the former of which they sometimes adopt with the greatest pain, and the latter of which they could not, and dare not have recourse to, whilst their Sovereign and his government are supported by the irresistible power of the British. It is clear that the experience and knowledge of that great and good man, Lord Metcalfe, acquired and formed upon the spot, as well as that of those who concurred with him, have had no weight with the authorities situated at so great a distance who have latterly laid down the principle of non-interference, even in cases of the utmost hardship, such as that of your Petitioners. However this principle may be defended as a general rule, it will be found, if invariably carried out, to be based on unwise and unjust presumptions, and to sanction indirectly acts of oppression and of wrong, utterly repugnant to the spirit and practice of English Government.

It may be said, that as your Petitioners and their fathers hazarded their fortunes in a foreign State, they must run the risk and abide by the consequences arising therefrom. Your Petitioners humbly beg to assure your Right Honourable House that nothing but the invariable internal policy of the English in India which deprived them from having any share in the government of their own country as enjoyed by their ancestors, induced them to leave their native land, the Bombay Presidency, and hazard their fortunes in a foreign State; that there your Petitioners did not give loans on mere drafts upon revenues, but solely upon the security and possession of certain landed property; and if when there, while your Petitioners are under the duty of allegiance to the British Government, at the same time they are denied protection in return for that allegiance, for the sake of the external policy now laid down by the Court of Directors, the condition of the natives of India under the British rule could not be better, but would be worse than slavery elsewhere, which the English Government have so long endeavoured to abolish.

Your Petitioners need not remark how much more in this case the interests of the rulers of British India have been thought of than their duty in respect to the subjects under their rule. The duty of allegiance is enforced against British subjects by their rulers; instead, however, of giving them protection in return, the rulers of British India in 1851 did actually enforce from the Nizam, by means of intimidation and threat of confiscating his territory (which included nearly two-thirds of the districts mortgaged by the Nizam's government to your Petitioners' fathers) a payment in cash of about 333,000 *l.* on account of the debt due to the East India Company, by the Nizam, a debt incurred for a purpose similar to that of the claims of your Petitioners, viz., the pay of the British contingent, and thus, in preference to fulfilling the most solemn duty imposed on every State, and which binds it to its subjects in consideration of their allegiance, the British Government paid themselves. Not only so, but the last mail from India has brought intelligence which exhibits the conduct of the rulers of British India towards their subjects in a still more striking light. It is to the effect, that on account of the arrears and claims for the pay of the British contingent, the Governor-general has demanded from the Nizam (to which demand his Highness has acceded) a cession of that part of his territories, viz., the Berar Valley, which includes two-thirds of the districts mortgaged by the Nizam's government to your Petitioners' fathers. These districts were placed in their uncontrolled possession; upon them they gave loans to his Highness; and when they were deprived of them by violence, your Petitioners and their fathers,

fathers, as British subjects, have incessantly appealed to the British Government in India and in England for restitution and redress. The Government being fully and minutely acquainted with all the facts of this remarkable case, has deliberately thought it just and proper to pursue the course of paying themselves by the seizure of the property mortgaged to its own subjects, a course which would have been impossible, had it not been for the irresistible power vested in the hands of the rulers of British India by the British Crown and Legislature, but who are by their constitution responsible for the ill use of that power.

If anything could add to the sense of injustice under which your Petitioners, as well as their fathers and their creditors, are now labouring, it would be found in the fact, that the advances in exchange for which they received security by a mortgage on the districts in question were almost entirely required for and spent in the payment of the British troops, as the bills now in the hands of the firm signed by the officers in command prove beyond dispute. This money was advanced at a most critical period before the war in Affghanistan, and during that war. The refusal of the advance by the firm of Pestonjee Viccajee would beyond all doubt have provoked a mutiny, and the consequences of that mutiny would have been most serious and full of danger to British interests; and now the East India Company, whose troops have been paid by the money advanced by Pestonjee Viccajee, has taken possession of a large portion of the district mortgaged to Pestonjee Viccajee, for the repayment of those advances, and refuses to pay any portion of the debt secured upon those very districts.

These are the facts which are submitted to the mature and deliberate consideration of your Right Honourable House, and which will be found to prove,—

First. That your Petitioners and their fathers are acknowledged subjects of the British Crown in India, and therefore bound by the duty of allegiance to the British Government.

Secondly. That they are denied protection, and that the property mortgaged to them, after being plundered by the Nizam, is arbitrarily taken possession of by the British Government, in payment of their own claims. To preserve the rights and property of your Petitioners inviolate, they should either receive protection from those who claim their allegiance, or they should be allowed to protect themselves. Your Petitioners are confident that they could do so by following the example of the subjects of the Nizam. But before taking the law into their own hands, your Petitioners, as loyal subjects of the British Crown, consider themselves in duty bound to have the question of their allegiance settled; and they desire, as a bare act of justice, to be informed, whether they can proceed to enforce their own claims on the Nizam, (and if necessary, by violent means), without being guilty of a misdemeanor, and being liable to punishment for violation of the law. If your Petitioners follow the example of the Nizam's subjects, it may excite revolt, and it may possibly disturb the peace and tranquillity of the neighbouring British provinces; for when hostilities once begin, no one knows where they will end.

Your Petitioners are therefore unhappily constrained, in their last extremity, to lay their humble Petition for assistance and redress before your Right Honourable House, and to pray that, if the British Government have a right to claim the allegiance of your Petitioners and their fathers to their laws, they should reinstate your Petitioners, as well as their fathers, in possession of the districts solemnly pledged and assigned to them, with all the rights as vested in them at the time when the Nizam, by violence, and a military force, dispossessed them, or that the British Government should allow your Petitioners and their fathers to follow the example of others in taking the law into their own hands; and that the British Government should not interfere in the matter whilst your Petitioners and their fathers thus seek redress for wrongs, and attempt to repair the injuries done them. And your Petitioners humbly pray for such further assistance and redress as your Right Honourable House may think fit to grant.

And your Petitioners, as in duty bound, will ever pray.

(signed) JEVANJEE PESTONJEE.
RUSTOMJEE VICCAJEE.

11, South Bank, Regent's Park, London,
6 August 1853.

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To the First, Second, and Third REPORTS of the LORDS COMMITTEE on INDIAN TERRITORIES.

The Figures following the Names of the Witnesses refer to the Questions of the Evidence. Questions 1 to 5782 inclusive are contained in the First Report; Questions 5783 to 7460, and 7774 to 8419, all inclusive, in the Second Report; and Questions 7461 to 7773, and 8420 to 9040, all inclusive, in the Third Report. In referring to the Appendices the Report, Letter, and Page are all given.

A.

ABBOTT, LIEUTENANT-COLONEL FREDERICK, C. B. Has been Lieutenant-governor of Addiscombe for two years and a half, 5585, 5586——Students are admitted between fourteen and eighteen years of age, 5587——And the course of instruction is limited to two years, 5589——All cadets are obliged to pass the examination for admission before they are allowed to enter Addiscombe, 5601——For which a great deal of cramming takes place, 5651——The examination takes place at Addiscombe by the professors, and witness presides at it, 5690——Considers the examination is very satisfactory as it is, as candidates can come as often as they please, provided they do not exceed the age of eighteen years, 5691——Never heard of a candidate trying Addiscombe after having failed in the civil service, 5693.

Course of instruction at Addiscombe described, 5601-5614——Hindostanee is the only Oriental language taught, 5611, 5612——No instruction is given in strategy, 5615——Is of opinion that the course of education is a little short upon many occasions, 5639——And an additional year at Addiscombe would be more advantageous in after life than a year passed in a cantonment, 5640——The number at Addiscombe is 150; 5644——There is a great deal of cramming for the examination before admission, 5651——A cadet has hardly any chance, unless previously crammed, 5651——There is no distinction between the first and last terms at Addiscombe; all have to go straight through, 5652——Those who are placed at the top at the first examination, at the end of six months, generally retain their places to the end, 5654——About seventy-five leave Addiscombe yearly, 5656——The number is sufficient for the vacancies in the scientific branches of the army, but not in the infantry, 5655——The expense is about from 125*l.* to 150*l.* per annum, 5664-5667——It was, formerly about 50*l.* per annum, 5680——And was increased about twenty-four years ago, to reduce the charge upon the Company, 5679-5681——There are two vacations of six weeks each, 5668——Cadets are taught loading and firing field pieces, with a little mortar practice, 5669——Are drilled, 5670——And go through the regimental exercises to a certain extent, 5671——Prizes are given for merit, 5707——There is nothing analogous to going up for honours at the Universities, 5708——The idea of going out to India is in general an agreeable one, 5709——Very few indeed fail to pass the final examination, 5723, 5724——But every candidate, though qualified, does not necessarily get artillery or engineers, 5730, 5731——It would be advantageous if all candidates for military commissions in India were educated at Addiscombe, 5657. 5672, 5673——Every artillery and engineer officer must go to Addiscombe, 5674, 5675——The education at Addiscombe is better than that given in ordinary private schools, 5684, 5685——Not much advantage to be attached to friendships formed at Addiscombe, 5686-5689——Thinks a fusion in education of officers intended for the Queen's service with those intended for the service of the Indian Government would make the colleges too unwieldy, 5703.

After a cadet is appointed to the engineers, he receives no further instruction at Addiscombe, 5594——He goes to Chatham for twenty months, where he is entirely under the hands of Colonel Jones, who, when he has gone through the course, reports him fit for service, 5594-5598——The course is exactly the same for the Royal Engineers, 5599——The scientific branches are brought together at Chatham, and no distinction is made between the two services, 5704——Both classes have their commissions, 5705——When first sent to India he joins the sappers and miners, and remains with them from six to twelve months, according to circumstances, 5725, 5726.

By a regulation within the last two years, the recipients of direct appointments are put upon the same footing with the Queen's service, and pass through an examination, 5641, 5642——But not through any systematic training under the Company's servants, 5641——The examination is not much more strict than the preliminary examination for Addiscombe, 5694——Such appointments would be preferred by many on that ground, and on

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Abbott, Lieutenant-Colonel Frederick, C. B.—continued.

the ground of expense, 5695——It does not necessarily follow that the service is thereby exposed to a less qualified class for commissions, 5696——Cannot tell the proportion of civil and political appointments in India held by those who have passed through Addiscombe and those who have had direct appointments, 5697——A man may go out by direct appointment as old as twenty-two, 5732——And if previously in the Queen's service, up to twenty-five, 5733.

A preparatory course of education for the civil and military services might be arranged up to a certain point, but when the selection for the different services takes place they should be separated, 5618. 5627. 5645——A part of the Addiscombe course would be very advantageous to all civilians, 5619, 5620. 5630-5632. 5635——Believes some directors have sent their sons to Addiscombe, preparatory to the civil service, 5620. 5658, 5659——In the later stages they could not be educated together, the course of instruction is so different, 5621——And even if provided for, it would be disadvantageous to keep them together in the same college, 5622, 5623, 5624——Because they must be treated in a different way; cadets are under military discipline, 5625. 5633——But there would be no objection to educating them together up to a certain point, when an examination should take place, and a selection for the different services be made, 5626. 5628. 5646——Would not wish to see training in military science, and the training in jurisprudence, political economy, and such matters, of the civilians, joined, 5629——But a knowledge of jurisprudence and political economy would be advantageous to the military man if he could afford the time and money, 5636-5638——Considers that educating young men for two different professions, the one of which is considered superior to the other, would cause unpleasant feelings, 5633——Has not met with it under the existing system, 5634. 5706——To combine the education of the civilian and the military man for the first year and a half would require a very enlarged course of education, 5647——The result would be to discard Latin and Greek, and other things, which make a gentlemanly mind at the present day, for subjects that were to gain prizes at the Military College, 5649——Refers to distinguished men who have gone through the double course, 5661, 5662——The numbers at Sandhurst are about 180; 5676——And the expense is about the same as Addiscombe, 5677, 5678.

Engineer Department in India is little inferior to the civil service, 5710, 5711——But few artillery or engineer officers are employed in the Political Department, in consequence of the paucity of their number, 5712, 5713——Some inconvenience arises from removing military engineers from the civil works in the event of military operations requiring it, 5715. 5717——There are not enough engineers in India, 5718——The Civil Engineer Department is open to the Line, 5719——The great trigonometrical operation is carried on by military engineers in the higher branches—artillery or engineer officers, 5720, 5721——And some infantry, 5721——Under the control of men of a superior class, *ib.*——A civil and military college for the higher branches of engineering and military science has recently been established at Roorkhee, 5728——And is now in operation, 5729.

Abkarry Contract System. The abkarry is a licence to sell spirits in a camp or town granted by Government to the highest bidder, *Burlton* 659——It is a profitable source of revenue, and in a camp it is the most mischievous thing in the world, *ib.*——It is a monopoly for the sale of spirits in cantonments, *Alexander* 1202——Never knew a European hold it except at Bellary, *ib.* 1203——The objection to the system is that the police authority, which should be a check upon the sale of spirits, is in the hands of the same authority which gains by the sale of the monopoly; the Medical Board has remonstrated against it on account of its ill effects upon the health of the troops, *ib.*——Much less spirits would be sold if there was no monopoly, but that the sale of spirits was allowed only by licence, *ib.* 1204——In 1837-38, 96,500 rupees were paid at Bangalore for the monopoly, *ib.* 1206——Statement of the sums given for the monopoly at other places, *ib.* 1208. 1211——The abkarry contractor has to distil his spirits, pay all the incidental expenses, in addition to what he pays the Government, and make his profit, *ib.* 1207——If the contractor will not give a sufficient sum for the monopoly, Government distils, and sells on its own account, *ib.* 1208——The contractor makes his large profits by illicit sales contrary to the regulations, *ib.* 1209——Having an understanding with the police, *ib.* 1209. 1211——The effect of the system is decidedly to injure the moral character of the troops, *ib.* 1213——And among European troops to encourage drunkenness of the worst kind, *ib.* 1214. 1218——Would suggest as a remedy the granting of licences for the sale of spirits, *ib.* 1212——Separating the police authority from the authority which makes the contract would improve morality, *ib.* 1215——Representations have been made to the Commander-in-Chief, and by him to Government; but the system still continues, *ib.* 1226——The system is a moral evil connected with our government, *Keane* 7796——It creates drunkenness; the injurious action of the system described, *ib.* 7797-7804——The worst feature of the system is, the Abkari European Commissioner is so far away from his subordinates, *ib.* 7801.

See also *Commissariat. Drunkenness. Zemindars.*

Abwabs. Are illegal exactions obtained from the ryots by the zemindars, *Duff* 6204——Over and above the rent agreed on between himself and the ryot, *ib.* 6213. 6215——The amount

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Abwabs—continued.

amount of which they sometimes exceed, *Duff* 6216——The zemindar takes advantage of every occasion to make these exactions, *ib.*——Government is unable to put an end to them owing to a want of energy in the ryots, *ib.* 6205. 6208. 6210.

Acting Appointments. It was formerly the custom to give appointments, in order to increase the allowance of deserving servants, *Halliday* 3311-3314——It has been discontinued in the Lower Provinces, but is not uncommon under Mr. Thomason's government in the Upper Provinces, *ib.* 3315——Can scarcely be said to exist except where they are unavoidable, *ib.* 3449——They interfered with the efficiency of the service, *Campbell* 3958.

Acts of Parliament. Since 1726, Acts of Parliament have no force in India, unless specially extended to it, or made applicable by the Legislative Council, *Ryan* 2401.

Adam, Mr. W. Was appointed Commissioner to inquire into the state of indigenous education in Bengal and Bahar in 1835, *Duff* 6057——Plan pursued by him in obtaining information, *ib.* 6058——The accuracy of his results is, in the main, very remarkable, *ib.* 6068.——*See* further *Education.*

Addiscombe. Cadets are admitted between fourteen and eighteen years of age, *Abbott* 5587——Having passed the "examination for admission," *ib.* 5601——Which takes place at Addiscombe, and is conducted by the Addiscombe professors, *ib.* 5690——Candidates may come as often as they please, provided they are not eighteen, *ib.* 5691, 5692——They remain at Addiscombe for two years, *ib.* 5589——Course of instruction at Addiscombe explained, *ib.* 5601-5614——There is a good deal of cramming for the preliminary examination, *ib.* 5651——A cadet has no chance without being previously crammed, *ib.*——There is no distinction between the first and last terms, excepting that they have to begin at the beginning of each science, and go right through, *ib.* 5652——Cadets generally retain the position they are placed in at the end of the first six months, *ib.* 5654——The total expense is from 125*l.* to 130*l.* per annum, *ib.* 5664-5666——It was increased from about 50*l.* to 100*l.* about twenty-four years ago, *ib.* 5679, 5680——There are two vacations of six weeks each, *ib.* 5668——Cadets are taught a little practical gunnery, drill, and, to a certain extent, the regimental exercises, *ib.* 5669-5671——Every engineer and artillery officer must go to Addiscombe, *ib.* 5674, 5675——And it would be of advantage to pass all officers through Addiscombe, *ib.* 5657. 5672——The education given is superior to that given in private schools, *ib.* 5684——Present information would not lead to a desire to abolish it, *Halliday* 3436——There are 150 at Addiscombe, *Abbott* 5644——And about seventy-five leave annually, *ib.* 5656——The number is more than sufficient to supply vacancies in the scientific branch, but not in the infantry, *ib.* 5655——Candidates for admission are required to understand common arithmetic as far as decimal fractions and the extraction of the roots, *Pasley* 5738——Arithmetic is not taught now, *ib.* 5738. 5780——But every half-year the cadets are examined in it, *ib.* 5780——And in the whole mathematical course, as far as they have gone, *ib.*——The studies are chiefly devoted to the military profession, *ib.* 5754——Cadets are taught military drawing and military surveying and civil drawing, *ib.* 5773——The system is very much the same as at Woolwich, *ib.* 5774——Time given to surveying is not sufficient to make them very perfect, *ib.* 5776——They are not taught reconnoitring, *ib.* 5777.

The system of general half-yearly examinations of the cadets has produced the best possible effects, *ib.* 5738——They are now examined simultaneously in the same studies, by questions in writing, according to the system at Cambridge, which has put a stop to fudging or prompting, *ib.*——Originally the first term was regarded as probationary, as at Woolwich now; and those who were deficient were removed, *ib.*——Rustication has since been substituted, and has been very beneficial, *ib.*——They are generally more diligent after returning, *ib.* 5761, 5762——Cadets in the second and even third term, if very idle, are liable to rustication, *ib.* 5738——Higher numbers are now used in reckoning the scale of qualifications, which enables the respective merits in study to be ascertained more clearly, *ib.*——Hindostanee has been raised to a higher number, at the request of the professor, *ib.*——Statement of the numbers now prevailing, *ib.*——Only one candidate has been turned back under the present system, and that was before rustication was substituted for removal, *ib.* 5739——The present system originated in a statement drawn up by witness, founded upon reports made by the professors several years after the adoption of written examinations detailing their respective modes of conducting the half-yearly examinations, *ib.* 5769——Has been modified from time to time, and on the whole has worked exceedingly well, *ib.*——It was printed under the sanction of the military committee, *ib.*——The written examinations are conducted by the professors of the different branches, who report what numbers the cadet ought to have, *ib.* 5770——If there is any doubt, reference is made to the blank books in which the questions and solutions are entered, *ib.*——The numbers are fixed according to rules laid down, and complaints of being misplaced seldom occur, *ib.* 5771——Though to a certain degree it depends upon the judgment of the professor, *ib.* 5772——It is combined with *viva voce* examination also, *ib.* 5775——Those who pass the engineer and artillery course with credit are recommended for those services; they are regarded as prizes, and given for merit, *ib.* 5707——Dependent upon the number of vacancies, *ib.* 5730——The rest are for

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the infantry; all are ranked according to merit, *Pasley* 5770.——There is nothing analogous to going up for honours at the Universities, *ib.* 5708——Would make a certain number of cavalry appointments the reward of good conduct, *Alexander* 1011.

Addiscombe and Haileybury Amalgamation. Part of the Addiscombe course would be very advantageous to civilians, *Abbott* 5619-5620——No objection to educating candidates together to a certain point, but disadvantageous, if not impracticable, after their destinations are fixed; the course of instruction is so different, *ib.* 5618-5632——Cadets are under military discipline, *ib.* 5625——Considers it would be difficult to exercise military discipline over civil students; and the one profession being regarded as decidedly superior to the other would cause unpleasant feelings, *ib.* 5633——Would not object to all entering upon an equal footing and then to be placed in the civil or military service according to their attainments, *ib.* 5646——But is averse to mixing them after the distinction had been decided, *ib.* 5645——Considering the appointments military men hold in India, a knowledge of jurisprudence and political economy would be advantageous, *ib.* 5636, 5637——It would require a very enlarged course of education, *ib.* 5647——The course of education is a little short upon many occasions, *ib.* 5639——An additional year at Addiscombe would be more advantageous than a year in cantonments, *ib.* 5640——A director can nominate to Addiscombe, and then remove his son and send him to Haileybury; it is sometimes done, *ib.* 5658——Refers to instances, *ib.* 5661, 5662——Does not attach much value to friendships formed at college, the number of men in India is so large, *ib.* 5686-5687.

ADMINISTRATION OF JUSTICE. In India the administration of justice does not differ from ordinary business, *Hill* 2227——Opinion that the remedying of the defects in the Mofussil courts depends upon an organic change in the system of Government to be framed in this country, *Perry* 2569. 2593——Because it involves the question of patronage, *ib.* 2570. 2592——Remarks upon the imperfections in the judicial system in general, *Duff* 4203——There are no real organic or radical changes required; the system is capable of much improvement, *ib.* 4207——The fair way to view the administration of justice under the Company's Government is to compare it with anything the natives could expect under the best system of native government, *Halliday* 3639——It seems to have been openly bought and sold before we assumed it in Bengal, *Duff* 4251——Cannot be compared with the colonies, they are so differently circumstanced, *Pemberton Leigh* 3788——Disapproves of the system of confiding the judicial powers of appeal to inexperienced persons, *Millett* 2291——The appointments to the Sudder Courts of revenue commissioners who have had no previous knowledge of the law is regarded by the natives as a great defect in the system, *Marshman* 5086——The plan suggested for Bengal is, to put a man upon his election after eight or nine years' service, and then continue him in the fiscal or the judicial line as the case may be, *ib.* 5134-5136.

Administration of justice is not the strongest part of our system in India, *Halliday* 3317——A system is not satisfactory which places men as judges of appeal without having had any practice in courts of the first instance, *ib.* 3447——The judicial system is far too complex and cumbrous, *Willoughby* 2972——It is as well as can be reasonably expected, considering the difficulties, *Pemberton Leigh* 3755——Is as favourable as circumstances will admit; might be improved, *Reid* 2812——Delay is the chief defect, *ib.* 2813, 2814——But it is a good deal owing to the people themselves, 2817——In the Regulation Provinces it is exceedingly unsatisfactory, *Campbell* 3798——There is not so much complaint with regard to criminal justice, *ib.*——The regulation system, so far as concerns civil courts, has not answered, *ib.* 3830——It is only in the matter of civil courts that there is an essential difference, *ib.*

Difficulties in the administration of justice stated, *Pemberton Leigh* 3757. 3773——The present generation are very little answerable for the abuses in it, *Halliday* 3619——The faults in the administration of civil justice are chiefly owing to the want of a good system of law, and the peculiar nature of the service, *Campbell* 3800——British subjects in the Mofussil ought to be made liable to the jurisdiction of the Company's courts, *Ryan* 2447——An outcry is raised whenever you attempt to bring Europeans under the jurisdiction of the native courts, the Company's courts, *Hawkins* 4351——At present they are under the jurisdiction of the Company's courts in civil matters only; except that the magistrates have a limited jurisdiction in the way of fining for petty assaults, *ib.* 4352——It is considered a great hardship by the natives, *ib.* 4353——Practically the Europeans are under no law, *ib.* 4355——The question is still undecided upon whom the onus rests of proving that a criminal is an Englishman, *Lushington* 4606.

Administration of justice in the Mofussil is by far the most defective part of our administration in India, *Perry* 2553——Owing to the incompetence of the European judges, *ib.* 2554——The system is too complicated and technical, *Halliday* 3318. 3350, 3351——Does not operate well, owing to the appeal, *Hafiz Suderool Islam Khan* 4769——Is more tardy and expensive than in the Presidency, *ib.* 4787——In the Regulation Provinces is exceedingly unsatisfactory, *Campbell* 3798——Would be satisfactory if well administered, *Hyder Jung Bahaudoor* 4686——The law is not bad, *ib.* 4690——In what respects badly administered, *ib.* 4690-4696——Is very simple under the Government regulations;

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ADMINISTRATION OF JUSTICE—continued.

regulations; the plan goes on very well as it is, *Reid* 2922——Natives would prefer things as they are rather than a summary mode of decision, *Baillie* 4080——A system more resembling the County Courts in this country would be an improvement, *Halliday* 3318——The system requires, and is capable of great amendment, *ib.* 3352——The natives complain of the inconvenience they are put to in prosecuting in criminal cases; it is a grievance of a very trying description, *Campbell* 3801.

Opinion that the judicial office in Bengal is sometimes improperly interfered with by the Government; it ought to be made more independent, *Torrens* 8436——Cases referred to, showing the kind of interference which has been exercised, *ib.* 8437 *et seq.*——Government sent a letter to the judge, laying down the views and determination of Government generally with reference to the perpetual settlement for his guidance, *ib.* 8438-8454——Government also sent a letter to the superintendent of police, finding fault with the apathy of the police in discovering criminals, and directing him to send a copy to the magistrate who had committed the accused; considers it objectionable, as operating to bias the magistrate, *ib.* 8459-8467——Reason for thinking that it did bias the magistrate, *ib.* 8470-8476——There was a peculiarity in the case which made it more right for the Government to interfere; the affray had taken place close to the Governor-general's seat at Barrackpore, *ib.* 8482——It was an affray for crops, *ib.* 8483.

The extreme youth, too often, of the magistrates is a just cause of complaint against the constitution of the criminal tribunals in the Lower Provinces of Bengal, *ib.* 8623——And in the Upper Provinces too, *ib.*——Seventeen cases in six years of the magisterial power being exercised within eighteen months after being declared qualified for public service, referred to, *ib.*——The magistrate has no one to assist him from the first, *ib.* 8632——The system is still continued in the Upper Provinces, but not in the Lower, to the same extent, *ib.* 8633——At present it cannot be avoided, *ib.* 8634, 8635——Suggestions for improvements were attended to, but nothing else, *Perry* 2528——The basis of any improvement must be the establishment of a collegiate class in local law and civil jurisprudence, *Norton* 6332——In the administration of justice has no objection to associating, upon an equality, Europeans and natives, *Perry* 2705——But would always retain a preponderance in European hands, *ib.* 2703, 2704.

Administration of Justice in the North Western Provinces. Is surrounded with difficulties of a peculiar nature, but is as good as circumstances admit of, *Lushington* 4412——With one or two improvements, would be satisfactory to the natives, *ib.*——Statement of the principal defects, 4413.

See further *Amendment. Appeal. Assessors. Bar. Circular Orders. Civil Procedure. Code. Confession. Costs. Evidence. Judicial Department. Judicial System. Judges. Jury System and Juries. Law. Law Commission. Legislation. Lex Loci. Litigation. Magistrates. Native Agency. Oaths. Tenures. Vakeel.*

Advocate-General. Is an officer attached to the Bombay Government, *Perry* 2707——His functions described, *ib.* 2708——Why injurious to good government, *ib.* 2709, 2710——Is looked upon as the leading counsel to Government in all cases, *ib.* 2713, 2714——His salary, *ib.* 2720——Is the only guide to English law in the Sudder Court, *Lushington* 4555.

Affghanistan. The cold there is very intense; the troops were supplied with sheep-skin jackets, *Cotton* 333.

Affghanistan War. The native troops all behaved well, with the exception of the 2d Bengal Cavalry, *Cotton* 317.

Affirmation. Substituting it in lieu of an oath in judicial proceedings has certainly acted injuriously, *Willoughby* 3137.——*See* further *Oaths.*

Agra School. The class of boys attending it is of a very mixed description, *Duff* 4153.
See further *Education.*

Agricultural Population. A useful work has been published for their use called the "Khet Kurm," *Wilson* 7268.

Agricultural Productions in India. The falling off in the agricultural productions of India is not accounted for by the cessation of manufactures, *Keane* 7787.

Ahalya Bau. No administration of ours ever gave more satisfaction to the natives than that of Ahalya Bau, *Halliday* 3640.

Aide-de-Camp to the Queen. The privilege of holding such appointment has been conceded to the Company's officers, *Melville* 142——It gives them at once the rank of colonel, *ib.* 143.

Akbar. His Indian policy, *Trevelyan* 6711.

Alexander. His imperial equity towards the Persians should be copied by us in our dealing with India, *Trevelyan* 6728 *et seq.*

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Alexander, Colonel Robert. Witness has served thirty-three years in the East India Company's service, 964, 965——Has served as regimental staff, and in most departments of the army, 966——Last appointment was Adjutant-general of the Madras army, 967——An officer must have served two years and passed in the languages before qualified for the regimental staff, and have served four years with his regiment before qualified for the general staff, 968——For the Commissariat he must have passed an interpreter's examination, *ib.*——For the Quartermaster-general's Department he is examined in military surveying and drawing, *ib.*——These are the general rules, except in the cases of aides-de-camp, for the selection of whom some facilities are afforded, *ib.*——The qualifications for the staff are defined in the general orders; the officer must pass in Hindostanee or one of the languages, 969——That for an interpreter is at a high standard, *ib.*——For the general staff and adjutants of regiments to be able to read, converse freely, and communicate verbally, and in writing in Hindostanee, *ib.*——Promotion in most instances puts a man off the staff; there are but few which must not be vacated on attaining regimental majority, 970——After four years' service an officer may be put on the staff and remain till he is a major, 971——Return to England or going west of the Cape always puts an officer off the staff 970——Thinks the effect of employing officers in political employments is good, but it would be much better if some situations on the civil staff were filled by having a civil department; the Commissariat for example, 973, 974——Thinks that a young military officer remaining in the Civil Commissariat Department until he is a field officer loses great opportunities of acquiring military professional knowledge and tone, 975.

Officers have no opportunities of acquiring scientific and general knowledge in India as in this country; they have abundant leisure, but are dependent on their own exertions and habit of study, 976——In almost every regiment the officers maintain a library, and most large stations have public subscription libraries, *ib.*——Valuable works are sent from home for distribution in the departments of the army and the libraries for European soldiers, but none for the officers generally, 982——The engineers at Madras publish their transactions upon the plan of the engineers' professional papers in this country, 977. 980——A valuable publication is also kept up by the Madras Artillery, which publishes suggestions from the officer to the private soldier, 977——A record of all public works is kept in the chief engineers' office, 978——As an office record, but not circulated, 979——The chief contributors to the Asiatic Society's Journal and the Bengal Journal are the officers of the army and gentlemen of the civil service, 981.

After ten years' service an officer may take three years' furlough on full pay; he may return before that without pay, or take his three years, or any part of it, after ten years' service, 1025——Witness thinks that it would be very beneficial if greater facilities were afforded to officers to return to England, 984——Knows several who have done so under the existing system, studied in this country, and returned to India qualified as civil engineers and surveyors, *ib.*——Does not think that it unsettles their minds for service in India, 985——Thinks that they often return better satisfied with their lot in India, and aware of the advantages that country affords to men of enterprise and ability, 986.

Thinks that generally promotion is not sufficiently rapid in the higher ranks of the army, 987——A man may be a very efficient field officer as major, or lieutenant-colonel, but when high up on the list of major-generals or lieutenant-generals he is commonly too much advanced for active service, 987——Thinks that many officers returning from Europe after two years' absence, and according to seniority placed in divisional commands, have been appointed more with reference to their former services and good character than to their efficiency, 988——An officer constantly doing duty in India is rarely superseded just as he expects a command by an officer returning from Europe, where he has been the last fifteen or twenty years, 989——The Court of Directors never now send out officers appointing them to divisions, as formerly, 990——The last instance was about 1827 or 1828; 991——The efficiency of the army would be increased and promotion accelerated if more important employment could be found for officers in civil departments who are unfit for active field service, 1001——They might have them in the Military Pay Department, 1002——And for the magisterial duties performed by the Commissariat, 1002, 1003.

The system of juniors buying out the seniors should be regulated; it involves the juniors in debt, 992——The rate of interest at which it is done is about thirteen per cent., including life insurance; but it is on the best security the officers can give, jointly and severally; it may be higher in Bengal; witness refers to instances where they get the money from the banks, 993-997——One cause of debt is purchasing out the seniors, 998——The regimental bands are also thrown upon the officers; thinks Government should support the regimental bands rather than the officers, 998——One efficient means of checking debt is by holding the commanding officer strictly responsible that the mess is not in debt, 998——They are also liable to heavy expenses on account of bungalows, though, in Madras, officers can generally rent them; has known many officers ruined for a time by being ordered to leave a station and getting no compensation for losses sustained by their bungalows, 999——If sent to a new station they must build, and must borrow money for that, 1000.

There are two veteran battalions of natives, and one of Europeans, divided into artillery

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Alexander, Colonel Robert—continued.

artillery and infantry; the natives do much valuable duty, and at times have too hard work in garrison and on escort detachments, 1004——They are included in the strength of the army, 1005——Witness thinks the finances might be much improved by a better system of paying the pensioners, 1002——But would not revert to the system of paying them at the head-quarters of divisions, 1006, 1007——That system entailed great hardship on the pensioners, 1008——It diminished very powerfully the good effect of pensioning, 1009——Believes there are great frauds by persons pretending to be pensioners and obtaining pensions, 1010.

Thinks that the appointment of engineer and artillery officers is as good as can be, 1011——But a cavalry officer coming out on the nomination of a Director may be personally unfit to ride well, *ib.*——It would be an improvement if a certain number of cavalry appointments were made the reward of good conduct at Addiscombe, and if exchanges were allowed between the cavalry and infantry in India after a limited service, *ib.*——The cavalry is considered preferable in the army; but thinks the advantages of the infantry officer, on the whole, are fully equal, 1012——They see more of the practical duties and work in India, 1013——And more of the country, 1015——There are eight stations of the Madras army with cavalry, 1014.

All are equally eligible for staff appointments; but the cavalry regimental commands are more lucrative than those in the infantry, 1016——Officers succeed to the command of regiments by seniority; but there is great difficulty in providing for the efficient command, 1017——The Commander-in-Chief cannot remove the major from one corps to another, and to remove a lieutenant-colonel often causes him much pecuniary loss, 1018——You may send him from a full batta to a half batta station at the loss of the difference between field and garrison allowance, 1019——When witness was Adjutant-general the system was to remove the lieutenant-colonels; but that is now prohibited by the Court of Directors, 1018. 1022——So one regiment may have a lieutenant-colonel and a very old major, while another is commanded by a young captain or a subaltern, 1018——A major by removal would always be better off in a pecuniary point of view, and often finds more difficulty in exercising authority over his former companions than he would have amongst another set of officers, 1019——A good officer, however, will soon acquire influence anywhere, 1020——Remembers a lieutenant-colonel being removed as incapable of commanding his regiment going into the presence of the enemy, *ib.*——He went to Europe on sick certificate, *ib.*——The present course could be very much improved, particularly in selecting the commanding officers for European regiments, 1021——The European regiments have suffered very materially in their discipline from the Commander-in-Chief not having the power to appoint the officers best fitted to command them, 1023——Brigade commands are generally by seniority; the Government selects for the first and second brigade commands without official reference to the Commander-in-Chief, also for the divisional commands, *ib.*——Without any official reference to him, 1024——If the head-quarters of two regiments come together, the senior officer commands by virtue of his commission, 1023.

An officer allowed to return on medical certificate for three years at a time, 1025——And have his furlough also, 1026——After three years' medical certificate he may get another three years immediately after his return, but it must be brought specially before the Board, 1027——He draws full pay while on medical certificate, 1028——In Madras recent orders have made them more stringent, 1029——They are given upon every fair necessity; sometimes too easily, 1030——It often requires great firmness on the part of the medical officer to resist the feeling or wishes of his patient; recent orders were framed to relieve him, 1031——The case must now pass under the supervision of the Medical Board at the Presidency, 1032——Never knew an officer passed on the first examination refused on the second, 1034, 1035——But has known an officer obtain a certificate in one division, and be refused it in another, 1034——Has known a staff-officer recommended to go to Europe instead of to the Cape, 1035——Has known the Medical Board remark very strongly on cases sent up, 1036——At one time it was the common practice for Boards in the interior to send cases to the Presidency, but now they send them to other places on the coast, 1037——Very often to the Neilgherries, 1038——An officer loses nothing of his regimental pay for two years when on sick certificate, 1039——But half his staff allowance, 1040——The rule is applicable to all India, 1041——And has always been the case, 1042——After six months' furlough on private affairs, an officer loses his allowances, retaining only his regimental pay, *ib.*——But does not know a case in which the period was exceeded and the officer lost his allowance, 1043——Many officers remit money to England, supporting their families, widowed mothers, and sisters, 1044——Such generosity is certainly the rule rather than the exception, 1045.

Witness thinks that every Presidency should have its own Commander-in-Chief as at present; suggests that if the idea of a central and supreme Government disconnected from any Presidency should be carried out, the military organisation would be most efficient with the Commander-in-chief, or, better still, with a Minister of War attached to the supreme Government, and with a competent staff composed of Queen's officers and officers from the different Presidencies attached to him, 1046——With such an officer large

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movements would be better arranged in every respect than at present, 1046, 1047——Many evils arise from the present system, 1048——The Commander-in-Chief has no authority over the armies of the other Presidencies unless he goes into the Presidency and assumes the command; the want of such authority at the supreme seat of Government paralyses the energies of the whole armies in India; everything is brought to the standard of the Bengal army; the commander should be unconnected with any particular Presidency, 1049——Many points of detail must be referred to the Governor-general, 1050——All innovations, and most alterations, 1051.

It would be advisable to assimilate the armies of the different Presidencies in matters of discipline, and for united action, 1052, 1053——But many attempts to assimilate have worked ill, 1053——With the exception of a conspiracy at Bangalore, got up by an emissary from Hyderabad, there has been no discontent beyond the alarm felt by the native troops at interference with their old privileges of pay and pension, 1054——The Madras sepoy has had his faith very much shaken by some of these measures of assimilation; some are beneficial; others not so acceptable as the old pension and pay regulations anterior to 1834; 1056. 1063——Anything tending to unsettle the sepoy's mind regarding his pay and allowance is much to be deprecated; they were satisfied with the old system of pensioning on 3½ rupees after twenty years' service; the new system of four rupees a month is a great boon to them and very injurious to the public service, 1056——It would be most beneficial to Government to get rid of it, *ib.*——The reduction of pension to the heirs of those killed in action or died on foreign service, ordered in 1834, caused great dissatisfaction; would require great consideration before making any change in the existing system, 1056——There is this anomaly, a sepoy can retire to his village on four rupees a month, if passed by the medical Board, a year before he is entitled to good-conduct pay for service in the ranks, 1056——The pensions in the Madras army were reduced in 1834, and in 1836 the pay of cavalry, horse artillery, and golundauze, as well as the batta of the whole native army, 1057.

[Second Examination.]—Evidence upon enlistment for foreign service, 1082-1102. 1118-1129——The way in which the order for foreign service is conveyed to the regiment explained, 1082——It is by a letter according to a form in the Adjutant-General's Office, which is translated and communicated to every man in the regiment, *ib.*——The draft was fixed about the year 1845, and is communicated to every native in the regiment, 1083, 1084——Officers commanding the companies prepare the family certificates, 1085——Family certificates explained, 1086——Great excitement has occasionally occurred from the civil staff authorities making mistakes in the allowances, 1087, 1088——Officers and men often find a difficulty in obtaining what is due to them from a want of simplicity in the working of the Pay and Audit Department, 1088——The military and civil staff of the army was clearly defined by Lord William Bentinck, 1089——Officers on the civil staff are all military men, 1090——There was great excitement in the 47th native infantry; mutinous conduct in the 6th light cavalry, 1092——Also in the 4th cavalry, 1101——And excitement in the 41st regiment, 1102——Arising from alterations in the batta and pensions, 1194-1196——Faith was broken with the 6th light cavalry, 1093——And an implied engagement with the 47th infantry, 1093, 1094——In consequence of which they had assigned a portion of their pay, which was stopped from their pay, and given to their families, 1095, 1096——Allotting pay is not so prevalent in other Presidencies, 1099——One great inducement to the sepoys to embark is the provision made for their families during their absence, 1097——And so long as their allowances and privileges are secure to them you have an army ready to go anywhere, 1099——The Madras sepoy is generally a married man, 1098——Their faith has been shaken, and their character in that respect much altered during the last twenty years, 1100. 1130——They place implicit faith in the Government, and look much to the "mamoul" or customs and traditions of the service, 1101——They are no readers of general orders, *ib.*——Sketch of the foreign services of the Madras army, 1099——Believes only one man refused to embark when the present Burmese war broke out, and only one declined to go during the former Burmese war, 1118——There was an equal readiness to go to China, 1120——They went off in the best spirits, 1121——41st regiment was disappointed at being kept above three years, and that only for garrison duty, 1123——Instances of the readiness of the sepoys to embark referred to, 1118——Believes it arises from their confidence in the liberality of Government; they have also great attachment to their colours; it is point of honour with them, 1119——Many of the 4th were lost on their passage to China, their ship being notoriously dangerous, but it was not known to Government until after she had foundered, 1126-1128.

Thinks the Madras army would now do as good service as ever was done, 1153——The influence of the native and non-commissioned officers is very great, and often most beneficially exercised, 1131——Instances of it, 1148-1150——System upon which the promotions of native officers are made, described, 1132——An undue proportion in the Madras army were formerly Mussulmen; but the Hindoos now have their fair share, 1133, 1134——In the Madras army about three-sevenths are Mussulmen to four-sevenths Hindoos, 1135——As a class the Mussulmen are the best soldiers; they are all fatalists, 1136——Prefers the system of promotion by selection, 1144-1148——There is no comparison between

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between the two, 1144——Native officers are looked up to in the regiment, 1145-1148——European officers ought not to feel jealous; the native officer is a very important connecting link between the sepoy and him, 1146——With proper treatment sees no reason to doubt the loyalty and fidelity of the sepoy army and the native officer, 1147——Courts-martial, 1137-1143. 1151.

New articles of war with reference to soubahdar majors sitting on courts-martial, 1137——It emanated from the Supreme Government, 1138——Europeans and natives do not sit together in the same court, 1139——The sentences of the native court-martial and European have exactly the same effect, 1140——Composition of a native court-martial explained, 1141——The administration of the judicial functions by the native courts-martial is very satisfactory, 1151——They are conducted according to the European laws of evidence, 1152——And the native officer is better able to weigh the evidence than a European, 1151——Remarks on the effect of punishment, 1154-1169——It was ruin to an old sepoy to be sentenced to work in irons on public works, 1154——A young one would re-enlist at a distant station where he was unknown, 1154——Sepoy has no feeling for punishment beyond other men, provided it does not touch their caste, 1156——The feeling was strong against the abolition of corporal punishment, 1156——And it worked so badly in the Madras army, 1157——That it has been restored, 1158——A man sentenced to imprisonment and hard labour is dismissed the service, 1159. 1161——But not after being flogged, unless condemned for disgraceful conduct, 1164——Have records of extremely severe floggings in Sir Eyre Coote's time, 1167, 1168.

Good-conduct pay scarcely operates at all, as a year before he can receive it, a sepoy, if his health fails, is entitled to a pension of four rupees a month, 1170——Would recommend it to be given as in the Queen's service, 1171——Orders of India are valued, but are not so congenial to the native mind as the old system of shotriums, swords, &c., 1172——The order is hardly in the ranks of the army, *ib.*——Sepoys like the grant of a shotrium, 1174——A village or jaghire is no longer given, 1175——It was formerly given out of the land revenues, 1176——The nobut given to the native officers never answered; the reason, 1179——Rewards for services are prized, but are much too limited in number; instances of the effect of the limitation, 1189——System of pension of the native troops described, 1181——Was altered in 1837; 1183——It is more advantageous to the sepoy now than formerly; it is easier for him to obtain his pension, 1184, 1185——He counts service from too early an age, 1186——The native officers are worse off now, 1184——A large number of the non-military population is connected with the sepoy, and dependent on him for subsistence, and whatever affects the sepoy affects them, 1190, 1191——Observations upon the effect of the recent alterations, 1192——Has led to increased expense on the part of the Government, 1192, 1193——Does not think the marching batta sufficient; rate of marching is nine miles a day; hutting allowance is also insufficient, 1194——Also the present rate of pension to the native officers, 1194, 1195——Greater part of the Madras pensioners live in the Madras provinces, 1198.

Evidence upon the abkarry contract system, 1202-1227——It is a monopoly of the sale of spirits in the military cantonments, which a person buys from the Commissariat Department, 1202——Police jurisdiction, which ought to be a check upon the sale, is in the hands of the same authority, which is expected to realise the largest amount from the sale, 1203, 1204——Medical Board has remonstrated against the abkarry contract, 1203——If no monopoly, the consumption of spirits would be less, 1204——Large sums are given for the monopoly, 1206. 1208. 1211——The contractor has also to reimburse himself the expense of distilling his spirit and his establishment, 1207——The contractor has an understanding with the police, and makes his profits by illict sales, contrary to the regulations, 1209——Regulations may appear sufficient, but in practice they are not so, 1210——Because there is a mutual interest between the contractor and the native official, 1211——All the power and influence of the police is in the hands of the Commissariat, though nominally the commanding officer is at its head, 1216——Would recommend increasing the number of licences, under the same restrictions as at present, 1212——Occasions upon which the system has been condemned, *ib.*——It injuries the moral character of the troops, 1213——And encourages drunkenness of the worst kind, 1214——Is sure that the expenses consequent upon its effects exceeds the sums raised by granting the monopolies, *ib*——Spirit drinking is increasing among the natives, 1217. 1222, 1223——Number of courts-martial for drunkenness, 1222——Drunkenness is diminishing among the Europeans, 1218——Spirits often drugged, 1218-1220. 1223——Drunkenness increases as you approach a military cantonment or European society, 1224——Has frequently been brought under the notice of the Commander-in-Chief, but never remedied, 1225, 1226——Sale of beer by the company has been attended with very beneficial consequences, 1227.

Remarks on the barrack system, 1229 *et seq.*——Little or nothing to be desired in the system known as the Bengal barrack system, 1230——The parcherry system explained, 1232-1239——Established in the Madras army for married Europeans, 1232——Accommodation

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modation for women and children much improved, 1233-1235——Objections to the parcherry system, 1238-1242——Witness's opinion is in favour of it, 1239——Remarks on the bad effects of women and children in barracks, *ib.*——The substitution for a well-ordered parcherry likely to lead to a multiplication of brothels in the vicinity of barracks, 1244——Marriage of soldiers in the East India Company's service in favour of good conduct and discipline, *ib.*——Memorandum on the subject, 1260——Is now limited in the Company's as in the Queen's regiments, to twelve per cent.; its probable effect, 1265——Sanitarium barracks tried on the Neilgherry Hills, but failed, 1245——For want of management, 1245. 1251——Another barrack is being built; a temporary hospital near Bellary was a great benefit, 1247——Inconvenience of marching troops from a distant station to a sanitary station, 1248——Barrack or hospitals on the hills near the different stations, in the Madras Presidency, have been recommended, 1253——Mysore Country is generally about 7,000 feet above the sea, 1254, 1255.

No means of providing for female children of European soldiers, except by marriages with soldiers or persons attached to the army, 1261——They will not take service with the officers' wives, 1262——There is a female orphan asylum, but so indifferently managed as to be of little use, *ib.*——There is also great difficulty in providing for the sons of European soldiers, *ib.*——Would recommend, if possible, drawing off pensioners and their families to Australia, New Zealand, and the Cape, *ib.*——The increase of children among the soldiers is encouraged; but there is no provision for them after the death of the parent beyond the orphan allowance for a limited time, 1264——There are a great many European pensioners in India, who are not under military control, 1267, 1268.

Manner in which the native troops are provided with quarters explained, 1269-1274——On arriving at a station the sepoy receives two rupees, and the superior grades proportionate sums, to provide themselves with huts, 1269——If the regiment marches away without being relieved, the loss of the huts falls upon the men, *ib.*—— It is not covered by the Government allowance, 1270——In the event of the huts being blown down by a hurricane, they receive no additional allowance, 1271——Upon one occasion, when the huts were destroyed twice, Government advanced a few thousand rupees by way of loan, though, upon the recommendation of the Commander-in-Chief, it was not recovered, *ib.*——A larger allowance should be made, or permanent huts built and kept in repair by the Government, 1272——In which case attention must be paid to the feelings of the men, 1273——The sepoy, in garrison, supplies himself with food from the regimental bazaar; in certain cases he receives compensation, if the price of rice exceeds a certain amount; on foreign service he has rations, 1275——The rations are now on a very good scale indeed, 1276.

Remarks on the clothing of the Indian army, 1277-1287——The patterns are the same as in the European army; the native officer's dress very nearly corresponds with the European; head dress is called a turban, but has none of its advantages, 1277——Dress is very inconvenient; the native costume adapted by uniformity to military purposes would be far better, 1278——The sandals are very inconvenient, *ib.*——Shoes were supplied to the regiments when they went to China; no objection was made to them, 1278, 1279——And with the exception of one regiment, they are worn as a mark of distinction to this day, 1280——Madras infantry turban described, 1282, 1283——Anything having the character of a hat would be objected to by the natives, 1281——For it marks the difference between the Mussulman and the Christian, 1284——The cloth is sent out from England and made up by contractors at Madras, 1286——Would recommend assimilating the dress to the native dress; the Lascar jacket might be made a very becoming dress, 1287——The sepoys are armed the same as the Europeans, 1288——The native soldier always carries his own knapsack, 1290——But the European soldier does not, 1291——The natives carry from forty-seven pounds to forty-nine pounds, and their powers of endurance are extraordinary, *ib.*——A musket and a bayonet is being prepared which will only weigh nine pounds and a half, 1292——The musket should be adapted to the size of the men, 1293, 1294——In the Madras army there are two contracts held by officers; the saddle contract and the troop or line article contract; veterinary surgeons also contract for the supply of native medicines for horses, 1295——Impossible to have contracts better conducted, but thinks the system is bad, 1296——Approves of the Madras system of having artificers attached to the different regiments to repair the arms, 1297——Formerly the contracts were more numerous in the Madras army, but they have been done away with, with great advantage to the public, 1300-1302.

Amendment. Courts in India should have power to amend purely technical omissions, *Willoughby* 3234.

American and Mission Schools. In Madura Collectorate had a grant of 3,000 rupees from Government, *Duff* 6249.

Anglo-Indians. Never heard of any subscription or institutions supported by them for educating themselves, *Wise* 7088——Though unpractised in speaking, are very ready with their pens, *Trevelyan* 6870.——*See* further *Half-Castes. Indo-Britons.*

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APPEAL. Lies from the native court to the zillah judge, *Hill* 2114——And from him to the Sudder Court at the Presidency, *ib.*——All appeals above 10,000 rupees must be to the Sudder, *ib.*——And Regulation VI. of 1830 gives appeals from the collector's decisions to the Sudder Dewannee Adawlut, *Willoughby* 3017——There are only two appeals regularly, *Hill* 2116; *Caldecott* 5548——First, as a matter of right, *Hill* 2116. 2133; *Millett* 2307; *Duff* 4203; *Reid* 2853——Secondly, to the Sudder Court upon points of law or practice, *Hill* 2116; *Millett* 2307; *Reid* 2853——But not upon the merits, *Caldecott* 5548——But the Sudder may remit a case for a new trial, upon the result of which an appeal may be brought, *Hill* 2133——Upon the first appeal the Court may call for additional evidence, *ib.* 2259——There cannot be an appeal from an English judge to a native judge, *ib.* 2119. 2125——The zillah judge may refer appeals to the principal sudder amin, *ib.* 2115——Proceedings upon appeals described, *ib.* 2117, 2118——One would be sufficient with a special appeal in cases involving peculiarity in law or practice, *Halliday* 3386——The second, or special appeal, encourages technicalities, *Lushington* 4588——Hardship caused by it, *ib.*——Objections to the existing system; provision is always made for an appeal, *Hill* 2129. 2254——It obliges the judge to employ a number of ill-paid clerks, *Halliday* 3318——The system of appeal is allowed to too great an extent, *ib.* 3222——Would abolish the constant right of appeal, *Halliday* 3318——Is defective in being from one single mind to another single mind, *ib.* 3323——Objections to the system, and proposed modification of it, *Willoughby* 3223-3226——Was formerly allowed through the whole series of courts, but is now limited to two, *Duff* 4203——It would be agreeable if the number was diminished; but it would not be satisfactory to do away with it altogether, *Hyder Jung Bahaudoor* 4639, 4640——If moonsiffs had a summary jurisdiction, there should be one appeal, if only for the moral effect, *Lushington* 4586, 4587——It is of importance to keep the appeal as open as possible, *Baillie* 4032. 4115; *Caldecott* 5546, 5547. 5549——Does not increase litigation in the long run, *ib.* 5550——Is a cause of expense and delay, and in some cases leads to a denial of justice, *Halliday* 3385——Many suitors in the lower courts do not appeal, because it is so expensive, *Reid* 2825——Are more frequent upon the merits than upon technicalities, *ib.* 2856——Many are upon technical grounds, *ib.* 2854; *Halliday* 3352——Should not be allowed on purely technical grounds, *Willoughby* 3234——Are more numerous from the European judges, *Hill* 2126——And so the reversals, *ib.* 2127——Why, *Hill* 2127; *Baillie* 4011——Instructions have been sent to regard the merits rather than forms, *Hill* 2256——How decided upon by the judges of the Sudder Court, *Reid* 2857——They are apt to reverse decisions upon the ground of informality, *Hill* 2254——If followed by affirmance, is an appeal to a single judge, *ib.* 2857——All appeals go before a single judge in the first instance, *Lushington* 4416. 4425——Appeals should be to the zillah judge sitting with a well chosen and sufficiently paid native judge, *Halliday* 3325——Would make a court of appeal direct, by joining the Sudder Court with the Supreme Court, *Hyder Jung Bahaudoor* 4641, 4642——Harmony of decision could not be maintained without one general court of appeal for all the Presidencies, *Pemberton Leigh* 3736——The difficulty would be to form such a court, *Willoughby* 3228——Appeals from the courts at Madras and Bombay might lie to the Queen's Court at Calcutta, *ib.*——To most parts of India Calcutta is as far off as England; the present appeal to England is preferable, *Hill* 2143.

Number of appeals in each year, 1843 to 1849, both inclusive, distinguishing European from native judges, showing the number of reversals, and the proportion of reversals to original suits, *App.* (C.) 3d *Rep. p.* 150.

Appeal to the Privy Council in England. Is of importance in compelling the Indian judges to pay attention to cases, *Pemberton Leigh* 3735——And there are many cases in which the Government in India is interested, *ib.*——Is preferable to the establishment of a Supreme Court of Appeal in India, *Ryan* 2426——Is desirable in important cases, *Willoughby* 3230——Neither the practitioners in the Supreme Court nor the suitors would be satisfied if taken away, *Baillie* 4025——Is of no very great importance, *Halliday* 3372——Ought to be discontinued, *ib.* 3378——Would abolish it altogether, *ib.* 3380——Would not be necessary if the Supreme Court and the Sudder Court were combined, *Hyder Jung Bahaudoor* 4669——If continued, it would be of great advantage to have some person acquainted with the law of the Mofussil on the Judicial Committee, *Halliday* 3381——Could not properly be a member, *Pemberton Leigh* 3766——Might be an assessor; assistance required might be as well given by assessors, *ib.* 3769——The expense of carrying appeals to England falls on the State, *Willoughby* 3229——The difficulty in the cases is increased by the way in which they are presented to the Judicial Committee, *Pemberton Leigh* 3759——Could hardly be decided in less than eighteen months or two years; practically it is much longer, *ib.* 3787——About one-third of the decisions are generally reversed, *ib.* 3764——Cannot recollect any case appealed for the purpose of vexation, *ib.* 3747——Cannot confine the appeal to questions of law as distinguished from fact, *ib.* 3750——Judicial Committee can give liberty to appeal in cases not within the rule as to amount, *ib.* 3749——Has power to admit of new facts, and try new issues, but it has never been acted upon, *ib.* 3752——Suggestions with a view to prevent delay and arrear are under the consideration of the Judicial Committee, *Reeve* 5568——Notice has been given in India that the

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expense will no longer be borne by the Government, *ib.* 5569——When agents are properly instructed, and the necessary funds remitted, appeals can easily be heard in a year, and sent back to India, *ib.* 5571, 5572——Great delay is caused by the translation and forwarding of papers used in the native courts, *ib.*——Subjects of appeals, in money, are limited to 1,000*l.* in all the Presidencies; generally speaking, they are of very large value, *ib.* 5578——More reversals of decisions of the Supreme Courts than of the Sudder Courts; why, 5583.

Appellate Jurisdiction. It is a great defect that persons are called upon to exercise appellate jurisdiction who have never exercised an original jurisdiction, *Ryan* 2412.

See also *Administration of Justice. Courts of Law. Judges.*

Appointments. The system of sale might be applied to appointments in the Company's service, *Perry* 2613——Should say that there is no jobbing in India under the existing system, *Cameron* 7399——Does not object to a system of competition for appointments, *Wilson* 7308——By seniority is not a necessary part of an exclusive service, *Cameron* 7397——Lord William Bentinck broke through very much that exclusive attention to seniority, *ib.* 7398.

Arbitration. Does not think arbitration a good way of determining disputes between such men as many of the natives in Bombay, *Perry* 2801.

Archdeacon. His salary was reduced from 1,400 rupees to 250 rupees a month, at the renewal of the last charter, *Right Reverend Bishop Carr* 8066——His income is now made up by a chaplaincy, *ib.* 8068——Inconveniences arising from this arrangement, *ib.* 8074–8082——Concurs with Archdeacon Shortland in opinion that he ought to be relieved from the duties of chaplain, and authorised and enabled to make visitations when required, *ib.* 8083——The office requires to be remodelled, *Right Reverend Bishop Spencer* 8403——Under the existing system his power is neutralized, *ib.* 8405——He ought to have the salary of senior chaplain without being necessarily attached, *ib.* 8406, 8407——If efficient, he is a very valuable officer in the church; if inefficient, he is worse than useless, *ib.* 8408——It is very desirable to have an efficient officer to take the place of the Bishop while he is absent, *ib.* 8410–8412.

See also *Shortland's, The Venerable Archdeacon, Evidence.*

Arithmetic. The Hindoos and Mahomedans have a system of their own, and learn very rapidly; there are very good arithmeticians in the native colleges, *Wilson* 7221——Objections to their system, *ib.* 7222.

Armenians. There is no law for them in the Mofussil, *Ryan* 2383——Are subject to the Mahomedan law in criminal matters, *Reid* 2957——Are owners of large zemindaries in the Mofussil, *Ryan* 2384——But are not very numerous, *ib.* 2387.

See also *Native Christians.*

ARMS AND ACCOUTREMENTS. The native soldier gets out of his uniform as quick as possible, *Viscount Gough* 666——Doubts if you could, with safety, give the soldier a much lighter dress, *ib.* 743——Flannel has been adopted in most regiments, *ib.* 744——The native soldier is very much cramped in his uniform, but is very proud of his resemblance to a European, *ib.* 733——Cavalry accoutrements might be assimilated more to the Indian style than at present, *Napier* 820——It would be desirable to assimilate the dress of the regular native cavalry to that of the irregular, *ib.* 828——The native cavalry are buttoned up too tight, *ib.* 829——Way in which the native army is dressed described, *Alexander* 1277. 1282——It is very inconvenient; their own native costume, particularly for the cavalry, is better, *ib.* 1278——Suggestions for improving it, *ib.* 1287——With regard to the head dress, they would object to anything that had the character of a hat, *ib.* 1281——Remarks on the inconveniences of the present dress in India, *Viscount Hardinge,* 2012——Would have lighter trousers and shakos, retaining the European red coat or red jacket, *ib.*——The tightness of the stock is the cause of disorders in the eyes, *ib.* 2014——The dress should be made as light and loose as possible, *ib.* 2015——The white cover to the cap was established in the Bengal army by Lord Gough, *Viscount Gough* 746——The East India Company were very much opposed to the introduction of the Kilmarnock forage cap, *ib.*——But great benefit has been derived from its introduction, *ib.* 747——The stock is only worn upon state occasions, *ib.* 745——Shoes are a great improvement on the sandal, *Alexander* 1278——They were supplied to the regiments sent to China, *ib.*——The men did not object to wear them, *ib.* 1279——The knapsack is very useless in India; it is only for show, *Viscount Gough* 749——They are carried for the natives, both on the march and in action, *ib.*——The cloth for the Madras army is sent from England, and is made up at Madras by contractors, *Alexander* 1286.

The regiments in the Indian army are all armed with percussion muskets; the last regiment has just been so equipped, *Melvill* 302——The sepoys have, at different times, complained of their weight, *ib.* 304——The musket is a great deal too heavy for the sepoy, *Viscount Gough* 748; *Viscount Hardinge* 2016——A small reduction in the bore would not be material if general, but there should be no intermixture, *ib.* 751——All have the

same

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same stock; it might be better otherwise, though it is not of much consequence, *Napier* 852——The muskets ought to be reduced in weight, *ib.* 837. 843——The Indian sepoy is not equal to it, *ib.* 837——Would not reduce the bore, *ib.* 837. 840——It is very dangerous to have small arms of different calibres, *ib.* 842——Comparative effect of light and heavy balls in fracturing bones, *ib.* 844——The sepoy is armed the same as the European, *Alexander* 1288——He has to carry about forty-eight pounds, including clothes and accoutrements, *ib.* 1288-1291——A musket is being prepared weighing nine pounds and a half, with bayonet, *ib.* 1292; *Viscount Hardinge* 2016—— Which will carry a ball with accuracy 600 or 800 yards, *ib.*——Should be adapted to the size of the men, *ib.* 1293——There would be no objection to having stocks of different lengths, 1294——Pistols are supplied to the cavalry, but they are useless, *Viscount Gough* 665.——These are of very little use, *Napier* 822.

It would be of the greatest advantage to get rid of the straight sword in the native regiments, *Cotton* 353——It is too heavy, and does not suit them, *ib.* 355——It is too heavy, *Viscount Gough* 664——It is impossible to keep the sword sharp in the steel scabbards, *ib.*——The natives prefer their own sword to ours, *Napier* 820. 828——It is lighter, *ib.* 828——They object to the steel scabbard, *ib.* 820, 821——Saddle is complained of by the native troopers, *Cotton* 354——The saddles used in the cavalry are disliked by the natives, *Pollock* 446——Are very defective, *Viscount Gough* 664——The natives prefer the Eastern saddle to ours, *Napier* 828.

ARMY IN INDIA. The strength of the army in India is 289,529 men, *Melvill* 3——How composed, *ib.* 4. 9. 12 *et seq.*——Statement of the strength of the army each year from 1834 to 1851, *ib.* 35-41——The aggregate addition to the European army since 1834-5 is 16,585 men, *ib.* 34——The aggregate expense for the last year for which returns have been made is 10,000,000 *l.*, *ib.* 118——Including everything, commissariat, staff, military buildings, *ib.* 120——The proportion of cavalry to infantry is too small, *Viscount Hardinge*, 2017——Deficiency in cavalry rendered it almost impossible to use the advantages resulting from the operations of the artillery and infantry, *ib.*——If a larger European force is required, would prefer seeing the Company's European force increased; we have enough of the Queen's regiments employed in India, and it is not a favourable service with the Queen's officers, *ib.* 2051——Its unpopularity would be removed if the regiments were removed every ten or twelve years, *ib.* 2056, 2057——Generally speaking, the proportion of Europeans to native is sufficient, but it is a difficult question; reasons why, *ib.* 2075. 2077.

The Queen's army in India is 29,480 men, *Melvill*, 5——It has been increased one dragoon regiment and four infantry regiments since 1834, *ib.* 32——The Queen's regiments are kept rather above than under the establishment, *Melvill* 8——All the regiments are on the war establishment, *ib.* 33——The Queen's troops are victualled by the East India Company on the voyage from London to India, *ib.* 158——Their pay in India very slightly exceeds the Queen's rates, *ib.* 179——Opinion that the Queen's service is more energetic and active than the Company's European service, *Viscount Hardinge* 2050.

The Indian army was first formed into regiments in 1796, *Melvill* 127——It is nearly perfect, and most efficient, *Viscount Gough* 696——There cannot be an army more loyal, better disposed, or more ready to do their duty, *ib.*——Opinion of it generally is, that it is a very fine army; but there are certain points which paralyse its efficiency very much, *Napier* 793——It can never move as it ought to do until something is done about the baggage, *ib.* 859——It is too much dispersed; its numbers really have no efficiency, *ib.* 917——In 1849 and 1850, upwards of 30,000 men were required for guarding treasure alone, *ib.* 920——The civil duties cast upon the army are destructive of its discipline, *ib.*——The European army is sufficiently numerous, *ib.* 931——The greater portion of it is in the Punjaub, *ib.* 934——Would allow exchanges between the two branches of cavalry and infantry after officers had been in India a certain time; not too long, *Alexander* 1011——The amount of baggage and the number of followers is a great inconvenience in moving an army in India, *Viscount Melville* 1308——The Affghanistan army did their duty very well, but the men would have done better with more officers, *Pollock* 405——Is of opinion that the native army is a very efficient army; it has one admirable peculiarity, of being from one end of the year to the other under tents or in huts, *Viscount Hardinge* 1974.

On the average of the last three years, the mortality among the troops at Madras is two per cent., Bombay three and a half, and Bengal five and a half per cent., *Melvill* 162——The average decrement of the Company's European regiments from all causes was about twelve per cent.; it is now about ten per cent. for the three Presidencies, *ib.* 174, 175——Is of opinion that every care is taken of the health of the troops, *Viscount Gough* 738——Is not aware of anything that could be done to better their condition in regard to health, *ib.* 739——The health and discipline of the army is very much destroyed by the quantity of guards and civil duties it has to perform, *Napier* 943.

There is a material difference between the armies of the three Presidencies, particularly between that of Bengal and the two others, *Viscount Gough* 774——But it has not occasioned any detriment to the public service, though in China there was some difficulty in provisioning them; each has its own commissariat *ib.* 775——It is dangerous to make changes in the native army, even for the better; the native

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always fears that there is something behind, *Viscount Gough* 776——It is injudicious to assimilate upon minor points when you cannot do so in all, *ib.* 778——Is not prepared to say that the assimilation of the armies of the three Presidencies has not been carried far enough, *Viscount Hardinge* 2089——Suggestions for the improvement of the military organisation of India, *Alexander* 1046——Evils arise from the present system, the officers of one Presidency not paying sufficient attention to the resources and feelings of the others, *ib.* 1048——There should be an authority over the whole, independent of any particular Presidency, *ib.* 1049——As far as assimilation could be wisely carried out, it would be most desirable to assimilate the armies of the three Presidencies, 1052——Certainly in matters of discipline and united action; but some attempts at assimilation have worked very ill, *ib.* 1053——Alterations in the details of the management of the army either emanate from or are approved of by the authorities at home, *ib.* 1062——It is most important that the regular corps should be more effective in the field than the irregular corps, *Viscount Hardinge* 1988——Reliance upon our engagements is the real bond which secures to us the attachment of the native army, *Trevelyan* 6572——Several Mussulmen and others of good families, now impoverished, enter the army, *Alexander* 1180——No part of the army is drawn from the Lower Provinces, *Halliday* 3554——The privates and native officers are taken entirely from the cultivating classes, *Trevelyan* 6580——It is indispensably necessary to keep the armies of the three Presidencies separate, *Marshman* 5072——But the existence of separate armies is the only difficulty in the way of placing the Madras and Bombay Presidencies under the government of a man unfettered by a council, as in the North-western Provinces, *ib.* 5072——It is a complaint that in time of peace military men, with a native army, are passing a life of idleness; it would be advantageous to draw civil servants from the army; it would be an admirable training for civil servants, *Perry* 2622-2634.

Bengal Army.—The numerical strength of the Company's European regiments in the Bengal army has frequently changed during the last twenty years, *ib.* 58——The Bengal army is chiefly composed of Hindoos of the highest caste, *ib.* 70——There are six general service corps in the Bengal army, *ib.* 71——It is unfortunate that but six or seven regiments are enlisted for general service, *Viscount Gough* 696——The troops of the Bengal army are very efficient, *Pollock* 398——But not sufficiently officered by European officers, *ib.* 399——The deficiency arises from the establishment being too small and the officers being taken off for appointments, *ib.* 400——The two senior lieutenants in the Bengal regiments command companies by what is called their right, *ib.*——The sepoys in the Bengal army enlist with a pledge to look to seniority for promotion, *Napier* 833——Always understood that the Bengal troops, in the Ava campaign, were in very good order, *Cotton* 314——The system of permanent guards, which are not relieved for months, destroys the discipline of the Bengal army, *Napier* 921——The Bengal sepoy never has his family with him in cantonments, *Alexander* 1075——Remarks on the want of discipline in the Bengal native regiments, *Viscount Melville* 1337 *et seq*——Considers the European officers to blame, *ib.* 1346——The officer in command of one of the regiments at Peishwar applied to relieve guard weekly, a practice which is in every respect subversive of discipline, *ib.* 1349——When the irregularities among the native regiments occurred the march was a very rapid one after the enemy, *ib.* 1364 *et seq.*——The native officers want energy; they are too old for their work, *ib.* 1374——In the Bengal army the officers have so much allowed them for the repair of the arms, *Alexander* 1297——Nothing could exceed the loyalty and attachment of the Bengal army under Lord Gough in the Sikh campaign, *Viscount Hardinge* 2086——On some occasions there was a disinclination on the part of the high caste men to work in the trenches, but by management they were induced to do so, *ib.*

Bombay Army.—Enlistment in the Bombay army is upon the understanding to go wherever sent, *Melvill* 78; *Cotton* 327, 328——About one-half is composed of Hindoostanee men; there are many from Oude, and the remainder are chiefly enlisted in the Concan, *Melvill* 79; *Cotton* 329——The reason why it contains so many Hindoostanee is, the officers like them, being finer men, *Melvill* 84——The Bombay army is in the highest state of discipline; there is not a more effective army in India; mixed with Europeans, they are equal to any army in the world, *Cotton* 326——Caste exists in the Bombay army, but never interferes with the discipline; the Purdasee caste is much preferred, *ib.* 332——There are different castes in the same regiment, *Viscount Melville* 1371——The regiments are pretty well officered with Europeans, *ib.* 1347——The system of mounting guard in the Bombay army explained, *ib.* 1351——The troops were generally very attentive to their duty, *ib.* 1362——There was no want of discipline when before the enemy, *ib.* 1363——Not the slightest disobedience after the first two or three days, *ib.* 1370——The native officers do not rise by seniority, but by selection, *ib.* 1373——Is of opinion that there are great advantages in the system of selection in the Bombay army, *ib.*——The effect of the system in the Bombay army is to bring the native soldier as near to the European in the performance of his duty as he can possibly be brought, *ib.* 1377——Believes it to be more easily managed than the Bengal army, having no difficulties as to caste, *Viscount Hardinge* 2086.

Madras

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Madras Army.—It contains more Mahomedans than the Bengal, *Melvill* 76——And the enlistment is upon the understanding to go wherever sent, *ib.* 78——The Madras troops were not employed in the Affghan war, *Cotton* 315——No troops could behave better than the Madras troops in the Burmese war, though suffering at first from want of provisions, *ib.* 316——With regard to efficiency, the Madras army is very good indeed, excellent, *Berkeley* 474——Never met with a more orderly set of men than the sepoys, *ib.* 487——They are generally of the lower caste, *ib.* 488——The system of removing lieutenant-colonels to give the senior majors the command of regiments is highly objectionable and detrimental, *ib.* 520——The Madras army is not of the same high caste as the Bengal army, *Viscount Gough* 714—— The Madras army appear to be very well disposed towards the Government, *ib.* 783——It was formerly a fixed custom in the Madras army to bring back the regiment at stated periods to the place where itwas raised, *Alexander* 1072——When a regiment is ordered on foreign service, the soldier appoints where his family shall reside, and has the privilege of assigning two-thirds of his pay for their support during his absence, *ib.* 1070. 1086——The Madras troops are raised principally about Trichinopoly, in the Carnatic, the Ceded Districts, and Northern Circars, *ib.* 1081——The greater part of it is raised, and the greater part of the pensioners live in our own provinces, *ib.* 1198——It is about 60,000 strong, *ib.* 1200——And not above 15,000 of them foreigners, *ib.* 1201——The Madras army has been accustomed to foreign service since 1756; they are ready to go anywhere so long as their privileges and allowances are secured to them, *ib.* 1099——If properly commanded, would do as good service as was ever done under Clive or Wellesley; it has not been much employed in warfare of late, *ib.* 1153——There is no army in the world in which it is less necessary to resort to corporal punishment, *ib.* 1157——In the Madras army there are only two contracts held by officers, *ib.* 1295——The system is bad on principle, *ib.* 1296——Formerly there were many more, which have been done away with, with advantage to the service, *ib.* 1300. 1301——In the Madras army artificers are attached to the regiments to repair the arms, *ib.* 1297——The Madras cavalry is nearly wholly composed of Mahomedans, *Melvill* 76——They are a superior class of men to the sepoys; Rajpoots, Hindoos of high caste, or Mussulmen, *Berkeley* 488 They are very efficient regiments, though not so strong as they might be, *ib.* 489.

Return of the strength of the army of the British Government in India, distinguishing contingent troops, *App.* (C.) 3d *Rep. p.* 143.

See further *Arms and Accoutrements. Artillery. Baggage. Barracks. Beer and Porter. Camp Followers. Cavalry. Command. Courts-Martial. Commander-in-Chief. Commissariat. General Service Corps. Infantry. Irregular Corps. Medical Department. Officers. Pay and Allowance. Pensions. Regiments. Recruiting. Sepoy. Sikhs. Staff Brigade.*

Arrears. There are no arrears now in the Judicial Department in Bengal and Agra, *Trevelyan* 6585.

Art. Natives have great capacity for the arts; remarks upon the subject, *Trevelyan* 6635.

Artillery Appointments. The direct appointments in 1841 and 1845 a bad arrangement, *Pasley* 5765——The examination more lenient than at Addiscombe, *ib.* 5767.

ARTILLERY. Composition of the artillery in India explained, *Melvill* 17-27——The European and native artillery is 16,440 strong, *ib.* 16——The pay and allowance is rather less than in the Royal Artillery, *ib.* 48——The number of guns has been increased from 312 to 384 for the whole of India, *ib.* 91——Statement of the number of officers added, *ib.* 92——It is impossible for the artillery to be better than it is, now that they have got rid of the bullocks, *Cotton* 358——In the Bengal horse artillery every horse has a man on it; the Bombay horse artillery is on the same footing as the English horse artillery, *ib.* 358——The Madras artillery is very efficient; the horse artillery is as good as any, *Berkeley* 499——There is not so much complaint of want of officers in the artillery, as they are put, if it may be so called, upon their own staff, *ib.* 500——The artillery in India is very efficient in one respect, but there is a great deficiency in European officers, *Pollock* 373, 374——The establishment is not large enough, *ib.* 376——Usually there are not more than two officers with a battery, *ib.* 377——Seldom more than two or three, *ib.* 379——There ought to be five to a troop of horse artillery; a captain, two first lieutenants, and two second lieutenants. *ib.* 378-383——Is of opinion that the artillery has suffered in the field from paucity of officers, *ib.* 384——But believes that the regulations are adhered to, *ib.* 386——More Europeans are required in the service, *ib.* 388, 389——There is a difficulty in getting a sufficient number of officers and a sufficient number of men together, *ib.* 390——The employment of natives is cheaper, *ib.* 391——Does not consider one European to be equal to several natives; the natives are excellent soldiers, *ib.* 392——Never knew a man desert his guns, *ib.* 396——It is impossible to have a more brilliant set of officers, or a finer body of men, than the Bengal artillery, native as well as European, *Viscount Gough* 752——Could most decidedly be increased with advantage, *ib.* 756——The artillery is not sufficiently officered, *Napier* 793——The number of troops of horse artillery is too large, it is a useless arm, *ib.*——That is, it is not of the value generally attributed to it, *ib.* 794——Well-horsed field batteries are perfectly equal to any work, *ib.* 793, 794——Would reduce the number of horse artillery and increase the

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number of officers, *Napier* 793——The Indian artillery is the most efficient in the world; the Royal artillery may be superior as a scientific corps, but, as a practical corps, never saw anything better than the Indian artillery, *ib.*——Believes that some of the great European powers have no horse artillery, *ib.* 796——It was made so strong when the foot was drawn by bullocks, *ib.* 797——The rest of the artillery is ruined for the sake of the horse artillery, *ib.* 800——The difference both in range and accuracy of fire is in favour of the nine-pounders of the field batteries over the six-pounders of the horse artillery, *ib.* 801——The advantage is in favour of the nine-pounders, except in very mountainous countries, *ib.*——Elephants are exceedingly useful in drawing guns, *ib.* 804——The employment of elephants in drawing the heavy guns has been a great improvement, *Viscount Gough* 752——Camel artillery at Meanee did very well, *Napier* 805——But the camel is not fit for hard and stony, nor slippery ground, *ib.*——With regard to the horse artillery the proportion of nine-pounder troops ought to be larger, *Viscount Hardinge* 1990——But though a much better gun in most cases, yet a light six-pounder troop has advantages where cavalry is concerned, *ib.*——Some heavy nine-pounders, bored out to twelve-pounders, did remarkably well at Sobraon, *ib.*——Field batteries are all nine-pounders, *ib.*——Prefers the detachment system to the Bengal system of putting a man upon each horse, *ib.* 1991——Believes that the artillery of Madras and Bombay is excellent, in fact, as good as that of Bengal, *ib.*——Siege artillery, the system of drawing the eighteen and twenty-four pounders by elephants lengthways, one before the other, has proved to be a most useful improvement, *ib.* 1995——The elephants are not brought into action; the bullocks which carry the ammunition are changed, *ib.* 1996——The artillery is the most efficient part of a native army, *Pollock* 393——It is so with the Sikhs, *ib.*——And in the Mahratta service, *ib.* 394——The natives have always fought their batteries with artillery, *ib.* 395.

Asiatic History. The attention of the students at Haileybury is particularly directed to it, *Rev. H. Melvill* 4970.

Asiatic Journal. Never had much animation at Madras, *Alexander* 981.

Assessors and Juries. Have been introduced by enactments, but might be more used, *Wise* 5389——The judge is not bound by their verdict, *ib.*——Are selected by the judge, *ib.* 5393, 5394——Are sometimes the principal sudder amins, or vakeels, *Reid* 2831——They merely give their opinion, examine witnesses, &c., *ib.*——The power of calling them in to assist the judge has been a failure, *Hill* 2139-2141——Does not attach much importance to native assessors, *Baillie* 3983——The plan has been adopted to a certain extent in criminal cases in the Tenasserim Provinces with success, *Ryan* 2447——Remarks on the plan, 2449——In the political court of criminal justice in Kattywar were very useful, *Willoughby* 3082——They made the courts more popular, *ib.* 3090.

See further *Jury System.* *Punchayet.*

Assistant Judge. The grade still exists in the Bombay Presidency, *Willoughby* 3012.

Assistant Surgeons. Grounds on which the exclusion of the natives from the office is justified, *Bird* 7185.

Attorney. Qualification for admission to the Superior Courts in India, *Perry* 2542.

Auckland, Lord. Effect of his minute, dated Simla 1839, on the subject of education, *Duff* 6108.

Aurungzebe. His policy, *Trevelyan* 6711——From his time the Mogul empire began to go to pieces, *ib.*——Probable description of the persons about his court, *Halliday* 3623.

Auxiliary Judge. At Madras was co-equal with the zillah judge, *Hill* 2123-2125.

Ava Campaign. There were no Bombay troops employed, except a small portion of artillery, *Cotton* 313.

B.

Baggage. The baggage system is heartbreaking to a commander, *Napier* 847——The sepoy carries an immense quantity of pots and pans with him, *ib.* 846——At Chillianwallah the baggage was nearly twenty miles in length, and five miles from flank to flank, *ib.* 859——The great thing required is organisation, *ib.* 863——It would reduce the number of camp followers, *ib.* 864——The proportion of baggage required in India is greater than in Europe, 869——But the allowance of necessaries to the English troops is much too large, *ib.* 873——The baggage-master can do nothing with the quantity of baggage; it requires an establishment, *ib.* 874——According to the present system a great many fighting men are taken to look after the baggage, *ib.* 875——The amount of baggage is a great inconvenience in moving an army in India, *Viscount Melville* 1308——Calculated it, including commissariat, as requiring one camel per man for a European regiment, and about half the number for a native regiment, *ib.*

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Baggage Corps. The baggage corps established in the Bombay army when marching up to Peshawur answered in every way, *Napier* 860——Such a corps would prevent the animals being overloaded and ill treated, *ib.* 872——The corps established by Sir Charles Napier was very useful in maintaining a system of discipline, and preserving order among the camel drivers, *Viscount Melville* 1310. 1330——Doubts whether in time of peace the advantages of maintaining the corps are commensurate with the expense incurred, *ib.* 1310——Baggage corps; how officered when first established, *ib.* 1323——All three officers commanding the divisions, who were termed warrant officers, committed great frauds, and were brought to a court-martial, *ib.*——They were military officers, *ib.* 1325——Not commissioned, but had local rank in Scinde, *ib.* 1326——But above non-commissioned officers, *ib.* 1327——Officers in the Company's service were afterwards appointed; three subalterns commanding the divisions, *ib.*——Is not prepared to recommend making such a corps in peace time for the sole advantage to be derived during the few months a campaign lasts, *ib.* 1329——The baggage with the baggage corps was always well up, *ib.* 1332.

Bahadur. Answers as nearly as possible to esquire in the ancient sense; is much sought after by our native officers and servants, *Trevelyan* 6895.

Bail. In India a great many criminal cases are probably bailable, *Halliday* 3547.

Baillie, Neil Benjamin Edmonstone, Esq. Has been entirely at Calcutta for about twenty years, 3694, 3695——Was an attorney in the Supreme Courts, also a pleader or vakeel, and for six years Government pleader in the Sudder Dewanny Adawlut, 3966——Understands Hindoostani and Persian; some Arabic, 3967——And a very little Bengalee, 3968——But enough to understand a Bengalee document, 4005——The vakeel performs the whole duties of barrister and attorney, 3969——They are not so efficiently performed as in England, and great additional onus is thrown upon the judge, 3970——Suggestions for their improvement, 3971——Proceedings in the Company's courts are very dilatory, 3972——A great deal of time is lost by everything being preserved as matter of record, 3973——A large mass of cases might be disposed of summarily, 3794——The pleadings are ill adapted to bring the parties to an issue, 3975——Judges have power to question the parties, and their vakeels, as to the points in dispute, and then to settle the issue, *ib.*——Objections to having the parties themselves personally examined; plaintiffs might be examined after filing the plaint, in order to ascertain the real issue, 3976——Native evidence is very frequently untrue, 3977-3979——If the jury system could be transplanted into India precisely under the conditions in which it exists in this country, it would be attended with very considerable advantage; but, as that cannot be done, does not think that it would be attended with much advantage, 3980, 3981——Objections to the jury system, 4030——Upon the whole, does not attach much importance to the introduction of assessors, juries, or punchayets, 3983——The institution stamp is a very considerable obstruction to appeals, and ought to be removed, 3984——Amount of stamps on proceedings, and objection to it, 4032——A great deal of litigation, arising from the uncertainty of the law, is ascribed to the litigious character of the natives, 3986——Causes which increase litigation, 4004——There is often great diversity of opinion among the judges of the Sudder Court, 3989——Way in which appeals are disposed of in the Sudder Court described, 3989, 3990——Law administered in the Company's courts, 3991——The decision is entirely discretionary in cases where neither the Hindoo, nor the Mahomedan, nor the Regulation laws apply, 4001, 4002——Does not think that the English could be safely and profitably applied to such cases, 4006——Questions of Hindoo and Mahomedan law are referred to the native law officers, 3992——The opinion of the natives is very much against the honesty of the pundits, 3993——But the kazees are generally regarded as being honest, 3994.

At present natives cannot well be promoted to higher judicial offices than they now hold; it could not be done generally, 4007-4010——When in India, now eight years ago, would have given the preference to the decisions of the English judges, 4011——Reason why their decisions are frequently reversed in the Sudder, and those of the native judges affirmed, *ib.*——Objections to appointing barristers from England to the judicial bench in India, 4012——The native is now excluded by a principle which applies to him, in common with many highly qualified men, viz., that he is not a covenanted servant, 4014-4016——It would be utterly impracticable, on the Bengal side, to make English the language of the Company's courts, 4018——It would be unjust, 4019——Language used in the courts in Bengal, 4021-4023.

Amalgamation of the Supreme and Sudder Courts would not work well; objections to it, 4024——Such a court, as a court of appeal, would not give satisfaction, 4025——Never heard a native express a suspicion of the honour of any judge of the Sudder Court, 4026——It would be a very considerable advantage to employ the junior civil servants in the lower judicial departments, 4033——All the small debt cases might be transferred to the junior civil servants without any appeal, 4033-4035——The jurisdiction of the moonsiffs might be ultimately dispensed with, 4034——Advantages of the proposed plan, *ib.*——Small debt cases might be trusted to young Europeans without any native assistance, 4039-4042——His duties would be analogous to those of a judge of the Court of Requests in India, 4043——Does not think that it would be a disadvantage, on the whole, for a young

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Baillie, Neil Benjamin Edmonstone, Esq.—continued.

civilian to become acquainted with the worst features of the native character in the moonsiff's court, 4046-4048.

The Court of Requests at Calcutta originally gave the greatest possible satisfaction, 4051——Its jurisdiction has since been enlarged, *ib.*——Of the judges, two were Englishmen, and one a native, 4052——Practically they were three courts, hearing separate causes, 4056, 4057. In respect to the resumption regulations, Government was entitled to resume the land which it considered to be held illegally; but the resumption cases should have been left to the ordinary courts of justice, 4061-4065——The tenure called la-khiraj cannot be traced in Indian history until a little before our time, 4063——Nature of the tenure explained, 4064.

There are no means at present by which persons educated for the law can obtain a knowledge of their profession, 4068-4072——Mahomedan law described, 4073-4077——Mercantile transactions at Calcutta are carried on entirely under the English law, 4078——Thinks that at present the natives would rather go on as they are, than have summary decisions, 4080——The inconvenience arising from the want of settled law illustrated, 4081-4086——There was a good deal of technicality in the Sudder Dewanny Adawlut, 4088——Full reports of the decisions in all the courts are regularly published, 4090——A digest has been published of the decision of the Sudder Court, 4100. Cannot say that the want of a precise law as to hoondies has materially restricted their use, 4092——They are never used for Government purposes; Government never remits money in that way, 4094——But there is no objection to doing so, 4095——It is the common practice in attorney's office to treat them as bills of exchange, 4097.

How the vakeels are remunerated, 3995. 4001. 4105-4107——Very few vakeels in good practice, in the Sudder Dewanny Adawlut particularly, would care to go into the native judicial service, because they cannot be admitted to the higher grades without going through the lower grades, 4027——The situations of vakeel and native judge ought to be considered branches of the same profession, 4029——The effect is the general inferiority of the Sudder Court bar, 4108——Many vakeels have very little, if any business, 4109——Suggestions for securing greater efficiency in the bar of vakeels, 4111, 4112——A greater amount of legal education might be advantageously given, 4113——Opinion as to the best course of legal education for the natives, 4114——The stamp duty upon appeals ought to be abolished, 4115——If a document is tendered improperly stamped, the judges will stay the proceedings till it is properly stamped, 4117-4120——Would not trust the administration of justice, in petty cases, to the zemindars, 4125——As a general principle, would have no hereditary judges, nor private judges of any kind, 4128——At present there are not the elements for entrusting the gentry of the country with the functions of justices of the peace, 4129.

Ballantyne, Dr. His efforts to introduce English literature at Benares College were at last partially successful, *Duff* 6093.——*See* also *Benares College.*

Bar. To obtain admission to the bar of the Supreme Court a man must be a member of the English bar, or obtain some similar qualification, *Ryan* 2414——Qualification required for admission, *Perry* 2539. 2541——Some members of the bar of the Queen's Court have been placed on the bench, *ib.* 2641——Instances of such appointments, *ib.* 2643——Suggestions with a view to raising the character of the bar, *Hawkins* 4303 *et seq.*——There is no European bar in the Mofussil; but there is a large bar of vakeels who are acquiring English daily, *Perry* 2584——May contribute much to the improvement of the judge, and has that object in view when advocating the employment of Englishmen as vakeels, *Lushington* 4553——European pleaders, when opposed to natives, must plead in Oordoo; he must always plead in a language which his opponent can understand, *Hawkins* 4316——The bar in the Sudder Court at Calcutta is a very respectable bar indeed, *Halliday* 3346——No native pleader of any standing would be browbeaten by English counsel, *ib.* 3348——At Bombay it is efficient, but not numerous, *Perry* 2718——About six leaders are supposed to make 5,000 *l.* a year each, *ib.* 2730——A great deal may be done towards improving the native bar, but much must depend upon the courts, *Hawkins* 4303——There is no responsibility thrown upon the pleaders, *ib.*——. Materials are growing up for a native bar of high character, *Perry* 2548——But it would require a number of years to train up a bar equal to compete with the English bar, *Willoughby* 3143——Would encourage English pleaders; they would give great assistance to the judges, *Lushington* 4542——Englishmen pleading in Hindoostanee, 4543——The bar needs great improvement, *Cameron* 7331——Its improvement is of the greatest importance, *ib.* 7332.——*See* also *Advocate-General. Barrister. Vakeels.*

Bargheers. Are men for whom the native officer, in an irregular corps, finds a horse, and for whom he receives pay, *Viscount Gough* 683——Number allowed to each class, *ib.* 682.

Barracks. The new barracks for the European portion of the army are generally very good, *Viscount Gough* 738——They are under the Engineer's Department, *ib.* 741——Barracks with high rooms are very much wanted, *Napier* 935——In India, the allowance

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is from 450 to 600 cubic feet of air per man, *Napier* 935——Saw none good but some built by Lord Ellenborough at Allahabad, *ib.* 937——1,000 cubic feet should be allowed to each person, *ib.* 939——A barrack should be narrow and high, so that it cannot be overcrowded, *ib.*——The great evil is having a large surface of floor, *ib.* 942——The barracks in Scinde were twenty-five feet high, and were found to be very healthy, *ib.* 940——Good barracks are most important in regard to health, *ib.* 943, 944——They ought to have baths attached to them, *ib.* 945——There is a small allowance for punkahs in barrack rooms; they are very useful indeed in favour of health, *ib.* 946——Punkahs did a great deal of good in the hospital at Allahabad, *ib.* 947——With the exception of the provision for the married men, there is perhaps little or nothing to be desired in the barrack accommodation for the European soldier under the new or Bengal system, *Alexander* 1230——The accommodation is good, but generally the fault has been that the rooms were not built high enough, but that, in a great degree, has been obviated by what Lord Ellenborough commenced when in India, *Viscount Hardinge* 2047. Sanitarium barracks were tried in the Neilgherry Hills, but the experiment failed, *Alexander* 1245——From want of sufficient disciplinary management, *ib.* 1251——In many parts of India, hills might be found to afford Europeans a good sanitarium, even in the hottest weather, *ib.* 1253——Soondoor proved a good sanitarium, but the civil authorities raised difficulties about the ground, 1256.——*See* also *Parcherry System.*

Barrackpore. The school established at Barrackpore by Lord Auckland is carried on with great spirit and success, *Marshman* 6408.

Barristers. Good and evil has resulted from allowing them to practise in the Company's courts, *Willoughby* 3139, 3140——Objections to appointing barristers from England to the bench in India, *Baillie* 4012——Objects to English barristers being at once appointed judges, *Duff* 4203.——*See* also *Bar.*

Batta. Europeans have batta everywhere 200 miles from the Presidency, *Alexander* 1059.

See also *Indian Allowance.* *Pay and Allowances.*

Bawulpoor. The Rajah of Bawulpoor answered the requisitions made upon him during the Affghan war in the most perfect manner, *Cotton* 322——It was impossible for any one to behave better than he did, *ib.* 323.

Bazaars. Are attached to each regiment besides the bazaar attached to the army, *Burlton* 632.

Beer and Porter. Great advantages have been derived from substituting porter for spirits on the voyage to India, *Melvill* 157——The substitution of beer for spirits has greatly diminished the rate of mortality from disease among the troops; in the last three years it was at Madras two per cent., Bombay three and a half per cent., Bengal five and a half per cent. per annum, *ib.* 162, 163——Extent to which the regulation has been carried into execution, *ib.* 165, 166——The change was commenced in 1837 on shipboard, *ib.* 172——Beer has been substituted for spirits among the European troops, *Berkeley* 506——The native troops do not drink beer, 507——The sale of beer to the European troops has been attended with very beneficial consequences both as to the health and conduct of the troops, *Alexander* 1227.

Benares. The population of Benares exercise considerable influence over the whole of India, *Halliday* 3706——Its influence is of a peculiar kind; it has a religious Hindoo influence, *Trevelyan* 6635——Benares might be thrown into the Bengal Government, *Edwards* 5876.

Benares College. Was founded by Mr. Duncan in 1791; its design, *Duff* 6087——Was founded about 1800, *Wilson* 7196——Average number of students is only between fifty and sixty, *Duff* 6090——Great difficulty was found in engrafting something English upon the Oriental system, *ib.* 6091——The resistance to English was manifested long before Lord W. Bentinck's plan in 1835; *ib.* 6093——Sanscrit is more attended to than in any other Government college, *Edwards* 5838——The system of education has been greatly changed; it is now a very good college, *ib.* 5839. Report upon the state of the Sanscrit College at Benares, and the means of its improvement, by J. Muir, Esq., C.S., *App.* (D)., *Second Report, p.* 393.——*See* also *Ballantyne, Dr.*

BENGAL:

Government of Bengal should be distinct from the Government of India, *Marshman* 5168, 5169, 5170——But objections have been raised on the ground of the patronage, 5171——The Governor-General at present only interferes in the local administration when he happens to be at Calcutta, 5174-5176——The Government of the Deputy Governor is a weak Government; and why, *Halliday* 3461, 3462——He is not always supported by the Governor-General, 3462.

The climate is less favourable to Europeans than that of Madras, *Melvill* 168——The climate is most hostile to the natives of other parts of India, *Campbell* 3931——It is

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certainly very injurious to the European constitution, *Trevelyan* 6738——It is a dreadful climate, *Cameron* 7394. The Upper and Lower Provinces are not only different in character, but they are different in rights; the rights of the subordinate population in the Lower Provinces having been swept away by the settlement, *Thornton* 6042——Why Bengal is in an inferior condition to the North-western Provinces, *Duff* 4244-4247——But some improvements in the North-western Provinces have reacted in Bengal, *Trevelyan* 6775——Its prospects are very peculiar, *ib.* 6722——It is impossible to contemplate when the inhabitants will be able to maintain their independence, *ib.*——About two-thirds of the property in Bengal has been transferred to new hands since the perpetual settlement, *Duff* 4249——The permanent zemindaree settlement takes it out of the category of the other provinces in India, *Trevelyan* 6775——The law of inheritance in Bengal was altered by Lord W. Bentinck in 1832, *Duff* 4167.

Bengal Marine.—Is officered and manned under arrangements made under the Bengal Government; it is not under martial law, *Melvill, J. C.* 1448. 1466——Extent of the naval establishment at Calcutta, *ib.* 1452. 1464——In the China war it had letters of marque from the naval Commander-in-Chief, *ib.* 1453——It is a permanent service, having no connexion with the Indian navy, *ib.* 1456-1459——How employed, *ib.* 1460-1462——The pay is lower than in the Indian navy, *ib.* 1463——The officers have not received any honorary rewards, *ib.* 1467——A proposition for incorporating it with the Indian navy is under the consideration of Lord Dalhousie, *ib.* 1471——Some inconvenience arose during the last China war from the men not being under martial law, *Powell* 1593——It could not be embodied with the Indian navy, except with injustice to some of the officers of the Indian navy, *ib.* 1594.——*See* also *Indian Navy.*

Bengal and Bahar. The population is about 40,000,000, *Hawkins* 4408——Mr. W. Adam was appointed a commissioner, in 1835, to inquire into the state of education, *Duff* 6057——Average proportion of the instructed population, *ib.* 6076. 6079——In Bengal, Bahar, and Orissa, a native is at liberty to will his property, even in contravention of the rules of the Shastras, *Marshman* 6515.

Bengalee. For years the Bengalee has had neither law nor justice, from the executive being almost entirely in the hands of corrupt natives, *Duff* 4231——He is less enterprising than the rest of the natives of India, *Wise* 5366.——*See* also *Languages.*

Bengalee Cyclopædia. Published by Krishna Mohun Banerjea; has been very popular in India, *Cameron* 7360.

Bentinck, Lord William. Placed our dominion in India on its proper foundation, *Trevelyan* 6649——His services, *ib.* 6649 *et seq.*——He introduced the principal sudder amin and the native agency, *Reid* 2904——Observations on Regulation V. of 1831, by which the employment of natives in the judicial branch was placed on its present footing, *Trevelyan* 6572——Effect of the system of promotion established by him in 1829, in connexion with the Judicial Department, *Duff* 4158——He took up the subject of education with his characteristic energy, *ib.* 6057——Effect of his resolutions, in 1835, on the subject of education, *ib.* 6107——Has been very much misrepresented; his order was exceedingly objectionable, *Wilson* 7208——It gave extreme dissatisfaction to the native population, *ib.*——Mistake made in issuing the order, *ib.* 7241. Lord W. Bentinck's Educational Act, with remarks by Dr. Duff, *App.* (E$_4$), *Second Report, p.* 397.

Berkeley, Lieutenant-General Sir George, K.C.B. Witness has been three years and a half in India, 471——In command of the Madras army, 472——But not in the field, 473——Madras army is very efficient, 474——Considers too many officers are taken from the native regiments and put upon the staff and civil duties, 476——There are only six captains to each battalion from 600 to 700 strong; two are allowed on the staff, two are generally away, and two only remain with the regiment, 477——The officers are called in if the regiment is ordered into the field, 478——The establishment of officers should be greater, if the present number of two captains and three subalterns are taken for the staff, 479. 481——Does not think that it would be desirable not to employ officers in those appointments, 480——Cannot tell the average number detached in the Madras army, 482——The number allowed is only exceeded when absolutely required by the Governor-general, 484——There are "special cases" in the Madras army; recollects one instance, but the Court of Directors disapproved of it, 485——They were very rare, 486——The system in the Madras army of moving the lieutenant-colonels, to give the senior major the command, is highly objectionable, 520——Witness would generally complain of the want of European officers, 487.

Found the army in excellent order, and never met with a more orderly set of men than the sepoys, 487——The Madras sepoys are generally of the lower castes, 488——The cavalry are of a superior class, Rajpoots, Hindoos of a high caste, or Mussulmen, *ib.*——The cavalry are very effective regiments, though not so strong as they ought to be, 489——Witness had no irregular horse under his own command, 490——Saw a good deal of the Nizam's irregular horse, *ib.*——They were a magnificent force, *ib.*——Of a superior caste, or Mussulmen, 491. The irregular horse are much less expensive, 492——And more expert in the use of their arms than the regular cavalry, 493——Their saddles are better

suited

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suited for them, 494——They provide their own swords, 495——The Kurnool horse had swords of all sorts, *ib.*——They almost always cut, *ib.*——Always heard that it was a more popular service than the regular, 496——Believes that the men about Arcot, who used to enlist in the Madras regular cavalry, now prefer the Mysore irregular horse, 497.

Madras artillery was very efficient, 499——Not so much complaint there of the want of European officers, as they are put on their own staff, 500——They are more easily got at in case of need, *ib.*——At each place there is a commissary of ordnance in charge of artillery stores, who is always taken from the artillery, *ib.*——The Commander-in-Chief has no control over the Commissariat, 501——Has had no opportunity of judging of the Commissariat in the field, 502. 504——Believes it is managed with due regard to economy, 503——Spirits are furnished by the Commissariat in large quantities, 505——Natives of low caste drink arrack in large quantities, 507——The upper castes will not do so, 508 ——Beer has been substituted among the European troops principally, 506.

Witness has always found the medical staff very efficient and attentive, 509——Once or twice found regiments deficient in medical officers, and ordered all on the staff to rejoin their regiments, 510——They could not disobey, 511——Always took the nearest medical officers, 512——Native medical subordinates are very willing and attentive, 513 ——The effect of the medical school at Madras has been very good indeed, 514. 517 ——And the subordinates from the school will be very superior to those formerly attached to the regiments, 515——Without them you would not have medical officers enough to send with small detachments, 516——Never knew a regiment march from Madras without a European medical man, 518——If no medical officer with the regiment, one is taken from the staff, 519.

Bethune, Mr. Made great efforts in favour of female education; he contributed liberally towards the institution at Calcutta, *Edwards* 5830.

See also *Code. Female Education.*

Bheel Agent. He is agent for a class of men called Bheels, in the Province of Candeish, *French* 8896.

Bheestie. Several castes will not take water from the Bheesties, *Viscount Gough*, 712—— They are paid by Government, *ib.* 713——Six of them are allowed to a European and and two to a native company, *ib.*——The substitution of Bheesties for Purkallies was very unpopular, indeed, in the Madras army, *ib.* 779.

Bhurtpoor. The ministers disliked the Rajah being taught Persian, but had no objection to his learning English, *Trevelyan* 6685——He used to call for his English books in the Durbar, *ib.*——Has long been one of the best governed native states, *ib.* 6687.

Bhyachara Communities. Are supposed to be the most valuable and most worthy of preservation of any communities in India, *Lushington* 4593——Everything has been done for their support in the North-western Province, *ib.* 4594.

BIBLE. It would be an infringement of our religious neutrality to teach it in the native schools, *Trevelyan* 6840——Objections to teaching it in the native schools, *ib.* 6841—— Is taught as a class-book in the missionary schools with a view to conversion, *Bird* 7107——The system of teaching the Bible as an ordinary class-book is now generally rejected by those interested in education, *Trevelyan* 6804——Objections to teaching it as a class-book, *ib.*——Will always produce excellent effects when voluntarily adopted, *ib.* 6851——Is not admitted as a class-book in the Government seminaries, *ib.* 6804——But is placed in the libraries in connexion with them, *Trevelyan* 6804; *Wise* 7028; *Bird* 7105; *Cameron* 7418——It is not prohibited, *Trevelyan* 6804; *Cameron* 7419——An examination of it is required to understand the books taught in the colleges, *Wise* 7027——It is examined by the students as a private study, *Wise* 7077——Can hardly say that teaching it would be a fatal objection to a school receiving a Government grant, *Cameron* 7421——Has been translated into ten of the principal languages of India, *Duff* 6241——Could be easily translated; it is eminently calculated for easy comprehension in the native language, *Norton* 6290——Has been introduced into the English school of the Rajah of Travancore, at Trevandrum, *Duff* 6247 ——Extracts from the Madras press, to the effect that it is desirable to introduce it into Government institutions, *Duff* 6248; *App.* (H.) *Second Report, p.* 474——Might have been introduced into the Government schools as a class-book, *Keane* 7905. 7907—— Opinion of Mr. J. Kerr, Principal of Hooghley College, upon the question cited, *ib.* 7907; *App.* (H.) *Second Report, p.* 476——Might be taught with safety in the Government schools if the attendance was voluntary; but from the want of competent persons to give lectures or instruction in the Bible, it would be attended with difficulty, *Right Rev. Bishop Carr* 8150——The only way of meeting the difficulty fairly is by Government giving grants in aid of the different schools, *ib.* 8151——There is no danger in alarming the native mind by such grants, *ib.* 8152——Bibles with marginal references, ordered out by the Bible Society at Bombay, were soon disposed of, principally to natives, *ib.* 8157 ——Considers

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——Considers that the natives were not opposed to the introduction of the Bible as a class-book, *Right Rev. Bishop Spencer* 8398.

See also *Christianity. Conversions. Converts. Religion. Religious Instruction. Translation.*

Bird, Mr. Robert Mertins. Objected to the Pergunnah Court system in 1832 or 1833, *Caldecott* 5439——When Deputy-governor of Bengal, had full powers confided to him, *Halliday* 3463.——*See* also *Bengal.*

Bird, William Wilberforce, Esq. Principle on which the Government schools in India are established, 7094——There is no Christian teaching of any kind, 7095——Account of the origin of the Hindoo College, contained in a letter from Sir E. Hyde East, dated 18th May, 1816, 7098——It was established on the understanding that Government having agreed on the application of the Hindoo community to establish an institution for the promotion of English literature and science, it would take no direct part in turning them from their own religion, 7099——If the decision had not been come to, the object could not have been accomplished, 7101——Though there has been a change in the native mind, the time has not yet arrived when Government could with safety take an active and direct part in the propagation of Christianity, 7102——It is too strong an expression to say that the Scriptures are proscribed though Christianity is not taught, 7103, 7104, 7105.

The distinction between the Government and the missionary schools is, the former do not teach Christianity, the latter invariably do, 7106——They teach the Bible as a class-book with a view to conversion, 7107——There are vastly more pupils in the missionary schools than in the Government schools, 7110——Any little jealousy felt at the Scripture instruction is overbalanced by the advantages of an English education, 7113——Anything in the Government schools offensive to the Hindoos or Mahomedans might set all India in a flame; whereas missionaries, for whose proceedings Government are not held responsible, may do anything without exciting any disturbance whatever, 7114——It is supposed that the natives had rather a feeling of sympathy towards them, 7115. The missionary schools have certainly improved the people very much, 7117——Many young men, after leaving the Hindoo College, go to Dr. Duff, 7118——In point of character, young men from the Government Colleges are inferior to those educated in the missionary schools, *ib.*——Not in attainments, but generally in character, 7119.

Educational funds ought to be enlarged and pecuniary assistance given to all institutions where education is afforded, under inspection, 7120——The establishment of universities at the Presidencies would be of very great advantage, 7122——Would act usefully on the scholars, and react most usefully upon the directors of the schools from whence they came, 7123.

Converts of every class have been greatly neglected; Government have done nothing in any way to assist them, 7125——European public servants are taken great care of; but the native Christians have neither churches nor chaplains, 7127——Recommends that the chaplains at the different stations should have native assistants, *ib.*——Several native Christians have been ordained, 7130——Proposed salary for native chaplains, 7132. Native agency has been adopted in every department of Government, except the ecclesiastical, 7133——And with the greatest success, 7134——It would not alarm the prejudices of the natives, *ib.*——Is sure that they would discharge their duty advantageously and prudently, 7137——It might be done with perfect safety, and would afford great encouragement to education, 7138——The proposition merely has reference to large stations, where native Christians have accumulated in consequence of our dominion in India, 7140——It might be extended afterwards, 7142——From various causes, at all large stations a great number of natives become Christians, 7141——Lord Hardinge sent the proposition home with a recommendation in its favour, 7152——But it was objected to, 7154.

There is danger to the progress of Christianity by an injudicious step, but what most influences Government is their responsibility for the quiet and safety to the country, 7143——It has always endeavoured to avoid doing anything that could excite the alarm of the natives, and has succeeded, 7145——Apprehensions have in many cases been greater than there was any occasion for, as in the case of Suttee, 7147——And the withdrawal of support from idol temples, 7149——The contribution to Juggernaut is still continued, 7151.

The ecclesiastical establishment of the East India Company is very liberal, 7158——Has been increased, but not to the extent required, 7159——Chaplains are all sent out on the military establishment, 7160—— An increase is required now that we have the Punjaub, 7162——At the smaller stations, grants might be made by Government in aid of clergymen dependent on voluntary contributions, *ib.*——The character of the chaplains has vastly improved since the establishment of Episopacy, 7163. The addition of a new bishop at Agra would suffice for the present wants of India, 7165——Does not think a bishop of Tinnevelly necessary at present, 7165 *et seq.*——If there is a feeling in the native mind that it is unjust to apply taxes paid by them to support a religion hostile to their own, it must have been put into their heads by Europeans, 7170. 7175——Is inclined to think

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Bird, William Wilberforce, Esq.—continued.

think that Europeans are generally at the bottom of whatever mischief there is in the country, 7170——The tone of public and private morals is much higher at the stations than it used to be, 7173——The natives always most respect those whose character is what it ought to be, 7174——Hindoos are less bigoted than they used to be; all we have to do is to let the reform which is taking place quietly work itself out, 7175.

The remark as to the liberality of the East India Company had no reference to education, 7176——It is a paltry sum, and wholly inadequate, 7177——Believes that the lac annually was not paid between 1813 and 1824, because there were no educational establishments, 7178——Or Government did not see their way how it was to be carried out, 7191——Nothing was done; it was no doubt an oversight in the Government of that day, 7180——In those days there was some apprehension in regard to the proceedings of the missionaries, but not as to the consequences of education; it was never thought of, 7181. Regards the progress of education as endangering the British dominion as a vision, 7183——The natives attribute all we have gained to our superior knowledge, and wish to put themselves as much as possible on equality with us; they run the risk of conversion for the sake of obtaining knowledge, *ib.*——If allowed a fair and just proportion of public employment, the tendency of education will be to attach educated natives to European interests, rather than the contrary, 7184——They would, however, be unable to manage the Government, *ib.*

The medical college in Calcutta is a very successful institution; there is a great desire all over India that it should prosper, 7185——The object of it is to supply the wants of the native community at large, *ib.*——Grounds on which the authorities are justified in not breaking through the rules of the service and appointing natives as assistant surgeons, *ib.*——At present it is more difficult to find a native qualified for a responsible situation, than a situation in which, if qualified, he might be placed, 7189——Has had personal experience of the difficulty, 7189.

BISHOPS AND BISHOPRICKS:

Bishops.—It would probably be more convenient if they had consolidated salaries in lieu of their present salary and allowances, *Right Rev. Bishop Carr* 8186——The allowance for the extra expense of travelling is ample, *ib.* 8187-8204——The bishop has a small guard when he travels, *ib.* 8205——And is saluted at the different stations, *ib.* 8207——Witness visited each station in his diocese once in two years, *ib.* 8208. The extension of Christianity and the number of Christians in India decidedly require an extension of the Episcopacy, *Right Rev. Bishop Spencer* 8373——Would recommend a bishop at Agra and another at Trichinopoly in Southern India, *ib.* 8375, 8376——Evidence as to the amount of correspondence between bishops and their chaplains, *ib.* 8417——They have sufficient authority over the subordinate clergy when on good terms with the Government of the day; if not, the bishop is not so much supported as he ought to be, *ib.* 8418.

Bishop of Calcutta.—Has the power of appointing any clergyman to be his own domestic chaplain; the Bishops of Madras and Bombay must choose their chaplains out of the clergymen resident in the country, *Right Rev. Bishop Spencer* 8385.

Bishopricks.—Recommends the establishment of one at Agra, *Bird* 7164——It would at present suffice for the wants of India, *ib.* 7165——It would be desirable to make a different distribution of the dioceses of Bombay and Madras; alteration suggested, *Right Rev. Bishop Carr* 8085-8093——Concurs with the Bishop of Calcutta, that the first point to be secured on the renewal of the charter is the establishment of a bishoprick at Agra, *Right Rev. Bishop Spencer* 8374——Does not think Bishop Carr's proposal for the division of the Madras and Bombay Presidencies an improvement, if it were carried all down the coast, *Tucker* 8266——The ground for an additional bishop in the south of India is the great increase of Christianity within the last fifteen years, *Right Rev. Bishop Spencer* 8413——Such bishop should have the missions under him, *ib.* 8414.

See also *Calcutta. Church of England. Shortland's, Venerable Archdeacon, Evidence.*

Board. Opinion that a Board, with a staff of Board officers, each having distinct and separate duties, works better than one individual, *Viscount Hardinge* 2032.

Board of Administration at Lahore. Instances of the danger arising from the interference of the Civil Government in military matters, *Napier* 908-910.

Board of Examination. By appointing a Board of Examination in London, and allowing young men to be educated where they choose, you will lose all the advantage of special education, and there would be a system of cramming for examination, *Campbell* 3893——Objections to a Board of Examiners as compared with a college, *Rev. H. Melvill* 4875——A Board of Examiners would not afford the same security for good character and conduct as is obtained by college discipline, *ib.* 4959.

Reports, 1852-53—*continued.*

BOMBAY:

Bombay.—In the Bombay Presidency the judicial and revenue branches are kept more distinct than in other parts of India, *Willoughby* 3001. 3009. 3212——All appointments relative to the revenue, &c., emanate from the Government, *Cotton* 346——The municipality of Bombay is under the management of justices of the peace, European and native, *Willoughby* 3293——Statement of the municipal taxes levied, *ib.* 3113. The Governor of Bombay is considered to have the power of overruling the Council in nominating to appointments, *ib.* 3261-3266. The attempts to ascertain the state of indigenous education have not been of a satisfactory nature, *Duff* 6086——Result of the inquiries made, *ib.*——They have been successful and active in advancing education, *Wilson* 7266. Bombay has not petitioned against the Liberty of Conscience Act, *Marshman* 6517——Regulations of 1827, nature and effect of the alterations introduced by them, *Willoughby* 3145-3153——Are altered day by day in a very objectionable way by circular from the Sudder, *Perry* 2658——Constitution of the Board of Education at Bombay, *ib.* 5880-5882.

Bombay Association.—Was established August 16, 1852, *Willoughby* 3180——Its origin and first objects, *ib.* 3180——Petition emanated from the natives themselves, from a society formed for the purpose of calling attention to the state of India, *Perry* 2515——May undoubtedly be considered as speaking the opinion of the most respectable and wealthy persons of the Presidency, *ib.* 2518——They are not much connected with the Mofussil, *ib.*——Is said to have originated with the students of the Elphinstone Institution, *Willoughby* 3168——Doubts if it represents the feelings and wishes of the natives, *ib.* 3159——Extracts from the pamphlet of Monackjee Cursetjee on the subject of the grievances and demands in it, *ib.* 3180——Considers his opinion as fair a representation of the feelings of the natives as the petition, *ib.* 3167.

Bombay Harbour.—A great many vessels have been burnt in the harbour, *Crawford* 1808——The majority by the act of an incendiary, *ib.* 1809——The object being to pocket the advanced wages, *ib.* 1811——Steps taken upon the subject, *ib.* 1813.

Bombay Presidency.—Has twenty-nine stations, at thirteen of which European troops are located, *Right Rev. Bishop Carr* 8060——There are twenty of them provided with churches, and four with temporary buildings for public worship, *ib.* 8061——But they are not all sufficiently supplied with the ministrations of the church, *ib.* 8062.

Bombay Irregular Horse.—Reason why five additional corps were raised, *Melvill* 62.

See also *Army. Cavalry (Irregular.) Irregular Corps.*

Brahman. Brahmins are the literary class in India; it is part of their religious duty to teach, *Perry* 5891——They have no dislike to teaching in English, *Perry* 5904——They are for the most part wretchedly poor; in many parts, the term "Brahmin," is synonymous with "beggar," *ib.* 5908——They go freely to the schools, *ib.* 5912——The schoolmaster is usually a Brahmin, *ib.* 5909. 5941——Are at the head of the female education movement at Bombay, *ib.* 5949——Is the only title to consideration among the Hindoos, *Wilson* 7229——A learned Brahman, however poor, would precede the richest zemindar who was not of equal caste, *ib.* 7229——Each man devotes himself to a particular branch of literature, *ib.* 7245.

Brevet. The brevet rank of captain is received by every subaltern who does not obtain a company in fifteen years, *Melvill* 135——Three hundred and fifty of the Company's officers have received special brevets from the Crown, *ib.* 140, 141.

Bribery. Evidence on the subject of the existence of a system of sending money with a view to obtaining a favourable decision in a court of justice, *Lushington* 4580-4589; *Hyder Jung Bahaudoor* 4700-4738.

Bridges. In the Saugor district the bridges are most of them made in the Irish fashion, with an inverted arch under the water, *Caldecott* 5511——But there is a remarkably well built iron bridge near Saugor, 5514. 5516. The bridges on the road from Calcutta to Delhi are in general very good, *Kennedy* 7619——Fine stone bridges, *ib.* 7620——No great difficulty in repairing those washed away, *ib.* 7621——The bridges are generally stone, *ib.* 7671——In some places brick, *ib.* 7671——In 1810 there was not a bridge in the Madras Presidency, with the exception of one or two across the Cauvery, *Sims* 8785——Since then, many bridges, some of which would do credit to any country, have been built, *ib.* 8786——Is not aware of any bridges in Candeish, *French* 8905.

See also *Roads. Public Works.*

Brigade Commands. The appointments to first and second class brigade and divisional commands are by Government, without reference to the Commander-in-Chief, *Alexander* 1023.

Brindahun. Is regarded as the birthplace of Vishnu, *Duff* 6097.

Reports, 1852-53—*continued.*

British Government. Is frequently descanted upon by the native press with no friendly feeling, *Duff* 6228——Statement of the advantages derived from the East India Company's Government in India, *Keane* 7999.——*See* also *Government.*

British in India. How regarded by the Mahomedans and Hindoos, *Trevelyan* 6706.

Broach. Broach is a port on the Nerbudda River; it has been sadly neglected, *French* 8955, 8956.——*See* also *Cotton.*

Brougham's (Lord) Advantages of Science. Has been translated into Sanscrit and into Bengalee, *Wilson* 7255.

Budget of India. With an Appropriation Act and explanatory documents should be annually published in India, *Trevelyan* 6879.

Bullion. None of the remittances from India are in bullion; the flow of bullion is the other way, *Trevelyan* 6642.

Bullocks. The troops are supplied with grass-fed bullocks, *Burlton* 660——Gram-fed bullocks are not commonly procurable for slaughter purposes, *ib.* 661——The Hindoos (excepting men of low caste) do not like to sell bullocks for slaughter, but there is never any great difficulty in getting them on that account, *ib.* 662.

See further *Commissariat.*

Bungalows. The system of advancing money from the public treasury to officers for building them has been abandoned, *Melvill* 151——It was said to have been a saving to them of about fifteen per cent. *ib.* 153——The reason why it was abandoned, *ib.* 154.

Burials. Burials without the rites of religion do not often occur in the Bombay Presidency, *Right Rev. Bishop Carr* 8044-8046.

Burlton, Lieutenant-Colonel William, C.B. Witness is on the retired list of the Bengal army, 521——Has been about thirty-nine years in India, 522——Employed in the Commissariat about twenty-seven years, 523——And for about eleven years commissary-general, 524. The Commissariat consists of European commissioned officers, viz., a commissary-general, one deputy, and one joint deputy-commissary-general, 525——Three first and three second class assistants; four first and four second class deputy-assistants; and twelve, or sometimes more, sub-assistants, *ib.*——No particular rank is requisite at entering the department, 526——But they must have been in India five years, and passed in Persian and Hinduee, 528——Field officers are obliged to vacate unless they have obtained the rank of commissary or deputy-commissary-general, or first class assistant, 526.

Commissariat officers enter into contracts; they advertise openly; tenders are sent in and submitted to the Military Board, 529——The Military Board first obtained a control over the Commissariat about 1820 or 1821; 530——And the Commissariat can now do little or nothing without the previous sanction of the Board, 531——Even when the army is in the field; though then the deputy-commissary-general, or the commissary-general himself with the army, will act on his own responsibility; but his orders must be approved of by the Board at Calcutta, 532——And reported to Government for their sanction, *ib.*——To the Military Secretary, 533. Imagines it to be a mere matter of form, 534——And that the Military Secretary submits the returns from the Military Board in the Council Chamber, *ib.*——Commissariat accounts are audited at the Military Board, 535——Without any previous audit by the commissary-general; he does not even see the account, 536——But he receives a copy of each officer's account current every month, *ib.* The accounts are examined in the Commissariat branch of the Military Board by an establishment of clerks; and then circulated among the members of the Board, 537——The bills are sent to the Board supported by vouchers, 538——And examined by the clerks, and circulated, *ib.*——The duty of the commissary-general is to receive reports and references from his officers, and send them to the Board with his opinion upon them. He controls the working details of the department; minor matters involving expense, and the nomination of numerous agents, 539——He does not examine the details of the accounts and vouchers; the actual accounts go direct to the Board, 540——The only examination they undergo is the audit in the Military Board, 541——Vouchers sent in by Commissariat officers in the field amount to many thousand monthly, 542——Many are unnecessary and useless, *ib.*

On going into the field the commissary receives indents from the different regiments for the number of cattle required, which he has to supply, 544——The cattle are made over to the different regiments, and those which are public ones (the property of the Government) are fed and provided for in all ways by the Commissariat, 543, 544, 545——There are also indents for the private carriage of the officers and men; to meet these requisitions, the commissary sends out to hire the quantity required; he makes them over to the commanding officer; tells him what the hire is to be, and has nothing more to do with them, 545. A great number of the public cattle are supplied from the cattle stud at Hissar, 546——They are passed into the service by a committee of officers, 547——Must be of proper age and height, and able to carry the regulation loads, *ib.*——An elephant twenty, a camel five maunds, *ib.*——A maund is about eighty pounds, *ib.*——

Reports, 1852-53—*continued.*

Burlton, Lieutenant-Colonel William, C. B.—continued.

The camels and bullocks are bred at Hissar, where the Government have a large breeding farm, 589——There is a similar establishment in the Madras Presidency, 590. Comparatively few cattle have been bought of late years, except when very large numbers are required for the field, 591——They cost as much as they can be bought for, perhaps more, but are generally very superior to what can be bought, 592——Mortality in Affghanistan was very great, 593——Cattle studs are under the Commissariat officers, but they have nothing to do with the horse studs, 594——The Bengal establishment was between 5,000 and 6,000 camels, 595——About as many transport train bullocks, 596——And about 500 or 600 elephants, 597——All under the Commissariat, except those attached to the artillery, which are borne on the regimental returns, 598——The stud is only for bullocks and camels; the horse stud was broken up a few years ago, 599——Cannot tell the general annual expense, 600.

The committee for passing cattle into the service is composed of commissioned officers appointed by the officer commanding, 548——The commissary agrees with the owner for the price, and then applies to the commanding officer for a committee to pass them. The cattle, when approved of, are branded in the presence of the committee; the commissary pays for them; they are entered in the books, and become public cattle, 548——The Commissariat officer is responsible for them, that they are properly looked after, not overloaded nor ill-treated, 549——The public establishments supply a sufficient quantity of animals for all public purposes in general, 550——For conveyance of tents, ammunition, and public stores, 551.

The Commissariat officer in the field does not ascertain from the commanding officer the number of cattle and the quantity of provision required; the commissary-general would be referred to, and obtain the orders of Government as to the amount required, 553——And he would obtain the supplies chiefly by employing his own native agents, 554——Who receive monthly pay, 555——In the field contracts are advertised for in English, Persian, and Hindooee, 557——And the same course is pursued upon the extremities of the British territories, with the addition of notices posted up at the police stations, 558——It requires very little proclamation, 559——At times the competition among the contractors is very great, 560——The tenders are given in to the Commissariat officer, 561——Who forwards them to the commissary-general, by whom they are submitted to the Military Board for approval, 562——In emergent cases he was to sanction them himself, and report having done so to the Board afterwards, *ib.* As a general rule the lowest tender is taken, 563——But it is a matter of discretion, *ib.*——The Commissariat officer recommends and the Board decides, *ib.*——The contracts are generally well performed, 564. 569——Does not think the profits are so large now, 565——Many contractors have been losers; but the natives are very cautious in speaking of pecuniary transactions, *ib.*——There are a great many contracts, and, on an average, eight or ten tenders for every contract put up, 567——Contractors always give security in cash or Company's paper, 568——It was formerly bonds given by native bankers, but they were difficult to realize, *ib.*

Witness can only recollect exceptional cases of the cattle being ill-fed, as the Affghanistan war, 570——But has no recollection of any complaint against the contractors on that score, 572——There was no complaint of any loss of Government cattle in consequence of failure in a contract, 573——They suffered from the want of green fodder, which is not an article of contract, *ib.*——No complaint of their not getting their grain, which is so, *ib.*

Thinks that the head of the department should be responsible only to Government, 574——More discretion should be left in his hands, 586——The European officers should be treated with more confidence; they feel that they are treated with suspicion, as if they were dishonest, and it deadens their zeal; the number of petty vouchers is enough to disgust them; it is almost an indignity to them, 574. 645——When the Commissariat was established in Bengal, in 1810, the commissary-general corresponded directly with Government, through the Military Secretary; and whilst that system was in force the Commissariat was most successful, 575——It is difficult to describe the vouchers, they are so numerous, 576——Witness refers to the case of repairing a doolie to the extent of 6*d.* or 1*s.*; requiring two military committees; and two reports, each in triplicate, 576, 577——The system tends to occupy the commissary-general's mind with trifles, 578——And causes great delay in bringing the accounts for settlement before the Military Board, 579——The Affghanistan accounts were not settled when witness left India in 1848; 580——Contractor's security remains in the hands of Government until accounts are settled, 580.

Commissariat duties could not be better performed by civilians, 582, 583——Meaning thereby uncovenanted servants, 583——Officers have more authority with the natives, *ib.*——Witness has heard of an attempt to bribe the Commissariat officer, 584——But natives are aware that it is useless to try to bribe commissioned officers, *ib.*——But they are suspected of frequently bribing, or attempting to bribe office clerks, *ib.*——Recollects a complaint against an officer for injustice in giving a contract which failed, and

Reports, 1852-53—*continued.*

Burlton, Lieutenant-Colonel William, C. B.—continued.

and complainant was imprisoned for making false accusations, 585——The department is often called upon to furnish supplies for a very large army in the field, without notice, 588——Statement of the pay of the Commissariat officers, 601, 602——When not in the field, the commissary-general resides at Calcutta, as a member of the Military Board, 603——Witness thinks it would be an improvement if he were not tied down to Calcutta with the Board; he should have a roving commission, *ib.*——The increased expense would be trifling, 604. When two Presidencies act together in the field, each has its own Commissariat, quite independent of the other, 606——And they might be bidding against each other in the same market, 607, 608——They must do so if they happen to be together, 609——The supply of the Queen's and European troops is the most difficult part of the Commissariat officer's duty, 610——In moving from station to station every regiment has a gomastah, or agent, attached to it to supply them, 611.

Contractors furnish their own carriage, 612——They very seldom, if at all, make requisitions upon the magistrates, *ib.*——They get them cheaper by their own exertions, 613——Does not think that carriages are often pressed and taken on for a considerable distance, 614——If pressed the owners are well paid, *ib.*——Except in time of harvest or ploughing, when no payment can compensate them, *ib.*——The contractor is paid by the executive Commissariat officer, 615——And payment ought to be made every month, 616——Directly he brings his bill and the vouchers from the officer commanding the regiments, 615-16——The commissary-general used to give him drafts on the revenue collectors, 617——Every Commissariat officer sends a monthly estimate of his expenses to the commissary-general, and receives a draft from him on the nearest collector, on account; he then sends to the treasury and gets the money; believes that now the Military Board has taken this duty on itself, *ib.*——If any defalcation or error is found in the account, the amount is recovered from the security deposited, 619——It is constantly done; the commissary pays the money, the Military Board audits the account, and directs all sums disallowed to be recovered in the first instance, by placing it to the personal debit of the officer himself, 620——Who renders a monthly debit and credit account current, 621——And he has to recover it from the contractor, 622——Never knew the Government give up the security before settlement of the accounts, 623——The contractors receive interest upon it, 624.

The Commissariat provides for the registered camp followers, 626——Who are about four to one of the fighting men, 627——Or perhaps two or three would be nearer the truth, 640——And receive Government pay, 628——The unregistered followers, such as officers' servants and bazaar followers, *ib.*——Amounting to about as many more, 629——Do the best they can for themselves, 630——Perhaps a sepoy sells half his daily allowance of flour, two pounds, 631——There is a bazaar to every regiment besides the sudder or principal bazaar, attached to the army, 632——Perhaps the camel-drivers sell some of the grain of their camels, 633——The Punjaubees, and people of that description, are only carriers, 634——Does not think that the grain merchants send them after the camp on their own account, 635——The registered followers are paid by the regimental paymasters, or officers of the departments to which they belong, 636——They are generally supplied with food by contract, 637——Though sometimes the commissary provides his supplies by Koosh Khareed, that is, by sending agents to purchase on the best terms, *ib.*——Does not think that any of the camp followers are fighting men; the grooms and elephant drivers are of the same class as the majority of the native cavalry, 638——They are not taken by the officers, who prefer men of better families, 639——And in case of action, they generally get out of reach of danger as quick as possible, 641.

Witness cannot suggest any improvement in the financial detail; the system is as good as it can be, 643——But would dispense with some of the vouchers, and trust more to the officers' honour, 644——But not without any account, 645——In small items would trust to the declaration upon honour, which every officer attaches to the foot of his bill, 646, 647——The Military Board take a deal of unnecessary trouble, and cause a useless waste of time, 648——If the examination were made by the commissary-general, it would save a great deal of trouble, 649——Does not think that a committee of officers in the rear of every force in the field would simplify the matter; they must have a large establishment with them, and trust to professed accountants, 650——The Military Board seldom examine the calculations of a long account, *ib.*——Professed accountants are Europeans, uncovenanted servants, 651-653——And some are natives, *ib.*——Very clever accountants, 652——On account of the delay during part of the Punjaub campaign, an office, called the Field Office of Accounts, was established, 654. Witness believes every account is sent home in abstract; detailed statements of the Board's proceedings are sent home every month, 655——An average is struck every month by each commissary when he closes his account, showing the expense of feeding every man and beast, 657——The natives generally make money; will not say large fortunes; they have no sort of principle, and are honest from policy, speaking generally, 658. The troops are not supplied with spirits by akbarry, which is a licence to sell spirits, granted to the highest bidder; it is a profitable source of revenue, 659——And is most mischievous in a camp, *ib.*——Canteens are supplied with rum by the Commissariat, made

Reports, 1852-53—*continued.*

Burlton, Lieutenant-Colonel William, C.B.—continued.

by European contractors, 659——Troops are not supplied with grass-fed bullocks, 660——Gram-fed bullocks are not commonly procurable for slaughter, 661——Hindoos, except of low caste, do not like to sell bulls to be slaughtered, but except perhaps in the Punjaub and Rajpootana, there is no difficulty in getting them on that account, 662.

C.

Cadets. It would be a great advantage for them to do duty with a Queen's regiment in England for a year or two before going to India, *Napier* 963——The appointment of artillery and engineer officers from among the cadets is as good as it can be, *Alexander* 1011——The great majority of them are well-conducted honourable young men, *Trevelyan* 6918.

Cadetships. Should be distributed after a certain examination and test, as they are in France, *Perry* 2609.

Calcutta. Is known to be a nest of dacoits, *Halliday* 3591——From its separate law and police systems criminals can retreat to it with a great probability of impunity, *ib.* 3591——Natives are little employed in the internal administration of affairs, *ib.* 3624——Public opinion at Calcutta represents very little beyond a few busy men at Calcutta itself, *Halliday* 3696——It is a place of pilgrimage, *ib.* 3698——The habitual residents have but very little influence in the Mofussil, *ib.* 3699-3702——Calcutta has not near so much influence as Benares, *ib.* 3704——The attempt at municipal government is not by any means successful, *ib.* 3625——There is no unpaid magistracy, *ib.* 3626——At Calcutta almost anything can be tolerated without loss of caste, short of abjuring Hindooism and formally embracing Christianity by public baptism, *Duff* 6125——According to the letter of the Shastras, there is scarcely a single native in Calcutta who has any caste left, *Marshman* 6502——Is the best locality for a university in Bengal, *Trevelyan* 6633——Calcutta School Book Society was established in 1816-17 by Sir E. Hyde East; its object, *Trevelyan* 6817——Calcutta has seven churches, served by ten or twelve chaplains, *Keane* 7947, 7948——The diocese of Calcutta is 2,000 or 3,000 miles long, *ib.* 7921.

See also *Dacoits. Police.*

Calcutta Militia. Is chiefly recruited from Behar and the Upper Provinces, *Hawkins* 4400——It is a military police for Calcutta as far as guards and sentries, *ib.* 4402.

Calcutta Review. Object of the work, *Duff* 6197——The article "The Zemindar and the Ryot" is substantially a true description of the great mass of the Bengal ryots. *ib.* 6198. 6201. 6203——It was written towards the close of 1846; 6202——The author, *ib.* 6198.

Caldecott, Charles Marriott, Esq. Entered the service of the East India Company in 1826, and left it in 1845; 5434——In 1843 was sent to the Saugor and Nerbudda territories; they were Non-regulation Provinces in civil matters, 5435——Statement of the system adopted in civil matters, 5436-5540——Previous to 1831 Governor-general's agent did what he thought proper; in 1832 the Commissioner was appointed, and he established a system of native courts called Pergunnah Courts, 5436——Their constitution explained, 5436-5438——In 1832 or 1833 Mr. Robert Mertins Bird, the chief revenue authority in the North Western Provinces, found that the system was not working satisfactorily, 5439——Defects in the system described; the result was, civil matters went to the wall, 5440——To remedy the defects Mr. Shore, in 1836, established six Sudder Ameens; their jurisdiction stated, *ib.*——In 1842 a rebellion broke out, 5440, 5441——It arose out of several causes, 5441, 5442——It was very general, 5460——But all has remained quiet since witness was sent there, 5461-5463.

Was sent there to reorganise the civil and criminal jurisprudence, leaving to the Commissioner the political, revenue, and police jurisdictions, 5443, 5444——System established by witness explained, 5445-5449——Has reason to believe that it works well, 5457-5459——There was a special appeal to witness as the Sudder Dewanny Adawlut of the Saugor and Nerbudda territories; received monthly accounts, and six-monthly reports from all the courts, and reported yearly to Government, 5449——Had to introduce everything connected with getting the civil administration into form, *ib.*——Went a circuit annually as a criminal judge; it occupied about four months and ten days, 5505——Had twelve Deputy Commissioners under him as Sessions Judge, 5450. 5452——But without any civil power, 5451——In general had reason to be satisfied with them, 5453——One only was removed for incompetency, 5455——At first there was a great run upon the courts, 5464——Justice had been practically stopped, *ib.*——And there were great arrears of business, 5468——As soon as the people began to understand regular rules of practice they seemed to prefer them to a chance decision in their favour, or against them, 5464——Some of the principal people were specially exempt from the jurisdiction of the courts by order of Government, 5469——But if they unavoidably became suitors their treatment was left to the discretion of the European officers, 5470——Witness had not much personal communication with the chiefs; but knew a great deal of the habits, customs,

and

Reports, 1852-53—*continued.*

Caldecott, Charles Marriott, Esq.—continued.

and feelings of the ordinary people of the country, 5465——From conversing with them when walking, 5465. 5507-5509.

Statement of the expense of the courts established, 5471, 5472——Salaries of the Sudder Ameens not quite so high as in the Regulation Provinces, 5474——Pay of moonsiffs as high as in the Regulation Provinces, but in the Saugor and Nerbudda territories their character is more important; success very much depends upon them, 5475, 5476————Description of the native judges employed, 5478-5485——Not natives of the district, 5478——Chiefly Mahomedans from the neighbourhood of Lucknow, of high caste, good scholars, and good characters, 5480——Had two or three from Cawnpore, 5484——The Mahomedans in the neighbourhood of Lucknow club together, and pay a learned teacher for teaching them, 5486-5488.

Evidence upon the state of the police, 5489——Did not know much of the practical administration of the police in the Saugor and Nerbudda district; only knew the result of their work in the criminal trials, *ib.*——The Commissioner was at the head of the police, 5490——But the Deputy Commissioner of each district was in charge of the police of the district, 5491——The police were commanded by two European officers, and had European quartermaster-serjeants and serjeants-major, but they had very little power of supervision, 5502——The force consisted partly of the old police, and partly of two military battalions established in 1843; 5492——It was not efficient; was very deficient in number; the military police was useful for guarding treasuries, roads, &c., but not adapted for detective purposes, 5493——Would be no difficulty in attaching a detective force to the military police, 5495——Had only to complain of want of tact, 5500——There was no oppression to complain of, 5501——Witness was an old police officer in the Provinces, 5495——Not many fit for the service offered themselves; the great difficulty was the low pay, 5495-5499——The Hindee-Hindostanee language will pass everywhere; found Nagree-Hindee was the character used in the courts by order of Government; it impeded justice, and witness obtained the revocation of the order, and the introduction of the Persian character, 5503——Mahratta is not used in the courts, 5504.

The Saugor and Nerbudda country is a very difficult country to travel in, 5477. 5505——With the exception of the road from Mirzapore to Nagpore, and from Jubalpore to Saugor, there is nothing practicable for wheeled carriages for any distance, 5511——The bridges are mostly in the Irish fashion, *ib.*——Nothing was done to improve the roads in witness's time, 5513——There is a remarkably well built iron bridge near Saugor, built by natives under Major Presgrave, with iron from the neighbourhood, 5514-5517. There is a colony of Thugs at Jubalpore, where they are taught trades; they are under surveillance in a kind of barrack, 5518-5520. There is not a great deal of cotton cultivated at Saugor; that embarked at Mirzapore comes mainly from Oomrawuttee, and the other side of Nagpore, 5521. 5526——Never heard any complaints of the fees levied by the Rajah of Rewah upon cotton passing through his territory, 5527——There was more trouble from one or two other petty states, *ib.* Was concerned in making the great trunk road from Allahabad to Delhi, *ib.*——It is a magnificent road, 5528——Manner of making it described, 5529——Had nothing to do with the road from Allahabad to Benares, 5530——Never saw a worse road for the cost, 5531——Formation of cross-country roads described, 5532, 5533——Thinks that if greater facilities of intercourse were provided they would pay the Government largely, 5538.

There are no indirect sources of taxation in India; there is hardly anything but the land-tax, 5539——Therefore the Government is very little interested pecuniarily in developing the resources of the country; personal property is utterly untaxed; the only direct tax in towns is for a watch system, called the municipal rusudbundee, 5540——It is very difficult to levy any tax, 5541——And there is no power to increase taxation in the event of any new demand on the revenue, 5542——Salt duty has been increased, 5542-5544——The difficulty in the custom system was in the native administration of it; the native officers were the greatest curse upon the country, 5545——There are no Europeans settled in Saugor and the Nerbudda territories, except those in the service of Government, *ib.* The civil judicial system has been objected to, on the ground that the judges have no previous training before they become judges of appeal, 5546——Would not revert to the old system, *ib.*——Suggests a remedy, *ib.*——It is of great importance to keep the appeal as open as possible; it is the great safeguard against oppression, 5546-5550——There is the first appeal and the special appeal, the latter is admitted upon points of law only, 5548——In the North-west Provinces no case stands above six months in any grade, 5551. The maximum interest allowed in the courts is twelve per cent., 5552——Twenty-four per cent. is much nearer the usual interest in the country, 5554——It is frequently much higher, 5555-5558——Common allowance for seed is from 9-16ths to 7-16ths of the produce, 5559.

Camels. The mortality among the camels was very great during the Affghan war, *Burlton* 594——There are about 5,000 or 6,000 on the Bengal Establishment, *ib.* 595——In the field, the camel drivers probably sell part of the animals' allowance, if not closely watched, *ib.* 633——In Scinde, there was one driver to two, three, or sometimes four camels, *Viscount Melville*

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Camels—continued.

Melville 1312——The camels were generally sent to grazing ground, wherever they could get it, *ib.* 1314——The Commissariat always furnished grain for them when required, *ib.* 1318——There was no fraud in giving it to other persons, *ib.* 1320.

See also *Cattle* (*Public*). *Commissariat.*

Cameron, Charles Hay, Esq. Suggestions for the establishment of universities at the four Presidency towns, 7316——The plan proposed was founded upon that of the London University, *mutatis mutandis*, 7317——It is desired by the natives, 7318——And the test afforded would be the best way of carrying out Lord Hardinge's minute, 7320——Would improve the tone of education throughout India, 7322——Original proposition for establishing a university at Calcutta, 7323-7325. 7351-7355.

With regard to appointments, would begin by giving a preference only to the graduates at the universities, with the ulterior view of making a degree a necessary qualification, 7327——It would greatly improve the native bar, 7331——A matter of the very greatest importance, 7332——Is not aware of anything among the natives corresponding to the degrees granted here in arts, science, or divinity, 7359——Believes that great reputation of learning constitutes a pundit, 7340——Does not concur in the opinion that the acquisition of English does not ensure much respect from the natives, 7342——Would not teach Persian in the proposed universities, but would cultivate Sanscrit, as being the foundation of the vernacular languages of the country, 7343——Would exclude anything of a religious test from the university, 7346——But admit as candidates for degrees students from all schools whatsoever, 7347.

The examination under Lord Hardinge's order is conducted by the principals and professors of the colleges, which is objectionable, 7349——Would examine the students in the universities in the four vernacular languages only, 7357——Excluding the Arabic, Persian, and Sanscrit, 7358——At present it would exclude all the existing literature of the East; but is of opinion that a vernacular literature will be created, 7359——Krishna Mohun Banerjea's translations, forming a Bengalee Cyclopædia, has been very popular, 7360.

Remarks upon the position of the English educators of the native youth, 7362 *et seq.* ——They are thoroughly discontented with their position, 7364——Would assimilate them to the medical service, 7365——If the exclusive system is continued, would make the education service a close service, open to competition in the first stage only here, 7367 ——They are now insufficiently paid, and have no pensions; would put them on the footing as the civil servants, both in point of rank and in point of emolument, 7369, 7370 ——The institutions in England, for the education of the civil servants, should be open to the natives, 7372——But it would be necessary to show attention to their peculiar feelings and prejudices, *ib.*——Crossing the sea does not incur irreparable loss of caste; it may be repaired by the payment of a small fine, 7373——The effect of the English education is to make them indifferent to caste, the rules of which are observed for the sake of retaining power among their countrymen, not as a matter of conscience or duty, 7375. Would place natives coming to England to be educated upon the same footing as European civil servants, in being members of an exclusive service, and in amount of salary, 7377——But natives should also be admissible to all offices in India, after having graduated at the the Indian universities, *ib.*——Though at a lower salary, *ib.*——Thinks they would have the same chance of promotion as the Europeans, 7378.

The eighty-seventh clause of the last Charter Act seems very strong and clear as to the general eligibility of natives for office, 7380——A limited construction has been put upon it by the "Quarterly Review," *ib.*——But it is irreconcileable with the declarations of the Ministers at the time, 7381——The practical results have not been such as to realize the expectations of the framers of the clause, 7382. Notwithstanding the placing of a native in the highest court of appeal in India, and the admission of natives to Haileybury, the distinction between the covenanted and uncovenanted service might still exist, with respect to the emoluments of office, 7384-7386——There would be no difficulty in maintaining the exclusiveness of the civil service, it being held out as a reward to induce young men to devote their lives to the Indian service, 7388, *et seq.*——Has doubts whether, without that exclusiveness, there would be a sufficient inducement to young men to enter it, 7391—— Inclination is rather in favour of an exclusive service, 7395——Appointment by mere seniority is not a necessary part of an exclusive service, 7397——Lord W. Bentinck broke through very much that exclusive attention to seniority, 7398——Jobbing is diminished, by having a limited number to choose from; should say there is no jobbing now in India, 7399.

A lac of rupees was appropriated to the purposes of education under the Act of 1814; 7400——It was unpaid for a number of years, 7402——The Council of Public Instruction never attempted to recover the arrears, 7404——With regard to religious subjects in education, the only safe principle upon which a Government situated as that of India can act is, not to assume the truth or falsehood of any religion, 7406——The neutrality of Government would not be violated by encouraging all schools, Mahomedan and Hindoo, equally with Christian schools, 7408——The objection to so doing would be the risk of alarming

Reports, 1852-53—*continued.*

Cameron, Charles Hay, Esq.—continued.

alarming the native mind, 7409——We should be exposed to some risk by exciting the religious feelings of the natives; it would be very unwise to interrupt what is now going on so successfully, 7413——Or indeed in any degree to meddle with the great enterprise in which the missionaries are engaged, 7414. It is necessary for Government to guard against affording ground for a belief that it is lukewarm upon the subject of its own religion, 7417——The Scriptures are to be found in all our libraries, and are accessible to all students who choose to consult them, 7418——There is no prohibition against reading them; 7419——Can hardly say that teaching the Scriptures to those desirous of learning them would be a fatal objection to such a school obtaining Government aid, 7421——Religion must be taught to a certain extent in the Sanscrit College, 7424——It is quite an exceptional institution, but with regard to general educational institutions, the principle of neutrality is strictly observed, 7426——Wherever European science is taught, it is directly antagonistic to the Hindoo science, which is connected with the Hindoo religion, 7431, 7432——Though not quite inseparable from it, 7432——Instruction in the vernacular languages promotes the cultivation of English, 7433——From which their new vernacular literature is either directly translated or derived, 7434.

Attaches great importance to the education of females, on account of the great influence the Hindoo mothers exercise over their sons, 7436——There was great reluctance on the part of the parents to send their female children to school, 7438——It is contrary to their notions of the mode in which a girl ought to be brought up, 7439——Thinks that it is a feeling of recent growth, 7440——Grown up since the Mahomedan conquest, 7442——Seclusion does not appear to have existed formerly to the same extent, 7440. 7442——Does not think it attributable to the impurities of Hindoo literature, 7441——A great part of the Sanscrit is free from impurities, 7446——Would teach them only English and their own vernacular language, 7445. Regards education as a bond of union between England and India, 7450——Reason for so regarding it, 7451, 7452——Considers that the military classes educated would be less dangerous than the military classes uneducated, 7454——In the hills there will probably be the same colonisation which there now is in the hill country of Ceylon, 7459——The uncertainty of the law is a great drawback to the settlement of Europeans in the interior, 7460.

Campbell, George, Esq. Belongs to the Bengal Civil Service, 3790——And is the author of a work, entitled "Modern India," 3791——Has been ten years in the service; little more than eight in India, 3792——Statement of the offices which witness has held, 3792-3794——Cannot speak of the administration of civil justice in India as a professional witness, 3798——Impression is that the administration of civil justice in the Regulation Provinces is exceedingly unsatisfactory; but that there is not so much ground of complaint with regard to criminal justice, *ib.*——Defects in the system of criminal justice, *ib.*——Causes to which the defects are attributable, 3800——The natives complain of the artificial system which prevails in the civil courts, and of the inconvenience that they are put to in prosecuting criminal cases, 3801——The good administration of justice in India depends more upon reducing the system of law, as far as practicable, into a code, and establishing a convenient mode of procedure, than upon all other matters put together, 3805.

Statement of the law administered in the North Western Provinces and in Khytal, 3809-3814——The civil code administered in Khytal contained rules of procedure in considerable detail; amounting, in fact, to a system of procedure, 3815——Does not know who was the author of the code, 3816——Places in the Sutlej attached to the Khytal district, 3820——Were afterwards converted into simple Jaghiredars, 3821——With nine exceptions, 3822——Believes that the criminal code established in the Punjab is the same as that which was administered at Khytal, 3828——Does not think that the inhabitants of Khytal had any reason to find fault with our administration of justice, 3843——Some villages kept up a kind of fight against the Government, but another was particularly delighted to come under our rule, *ib.*——There is a considerable similarity of system among the Non-regulation Provinces, and it is only in the civil courts that there is an essential difference between the Regulation and Non-Regulation Provinces, 3830——Would be disposed to try any system which had answered well in one part of India, in another part, 3831——Does not think that there are any formal courts of justice in native states with which witness is acquainted, 3833——There is no separation between the revenue and the judicial authority, 3834. Administration of justice in the State of Patteealah described, 3832. 3835-3839——The people are tolerably well pleased with their Government, 3839——There is no general emigration from that territory to ours, 3840.

Civil law would be extremely improved by codification, 3844——A commercial code is required above all things, 3845——In civil courts the Government is on exactly the same footing as any of its subjects, 3848——Considers that as far as the judges are concerned, the Government are under a disadvantage, 3851——The Government is represented by the collector, 3852——A Government advocate something like the same system as that which exists in France, would be a very excellent thing; reason in favour of it, 3853. Is of opinion that some judicial training is necessary, 3854——Would very much prefer maintaining, as part of the Executive, the criminal justice and determination of landed rights; and to make the

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Campbell, George, Esq.—continued.

judge a mere judge of civil and commercial matters, 3854——In such a case, does not think that it would be desirable that the judge should become acquainted with the natives by serving in the Collectors' Department, 3855——Would employ him from the beginning in the Department of Civil Justice alone, *ib.*——Proposed course of training of a civil servant destined for the Judicial Department, in the event of that department being separated from the other, 3856-3861——College for legal education should be at the seat of the Supreme Government, but not at Calcutta, 3931, 3932.

Remarks on the system of education at Haileybury, 3862-3870——The time devoted to law and jurisprudence is altogether inadequate, 3863——The time devoted to the Oriental languages is not to the future advantage of the student, 3865——They are taught in an inverse ratio to their utility, 3868——Haileybury might be made more available, by giving up to a great extent the Oriental languages, 3870——But doubts whether you would ever have a sufficient test of proficiency, *ib.*——With reference to the fourfold nomination, though the principle of selection would be a check upon undue nomination, yet does not think that any test on entering college can ever be sufficient, 3872-3874——The opportunities for education at Haileybury are for the most part voluntary, 3876——It would be of great importance to devote the whole of the time to subjects purely European, 3878. With regard to keeping up a separate establishment for the education of the East India Company's servants, would like to see all the men at one college, 3880. 3925——But it should not be strictly exclusive, 3880——The rejection of candidates after two or three years' study is the great objection to a separate isolated college like Haileybury, 3881——Might be obviated by sending them to Cambridge, and making the attainment of certain honours essential to entering the civil service, 3884. It is essential that persons conducting the examinations should be independent of the East India Company, 3890——The examination at present is not strict enough, 3892——Objections to a Board of Examination sitting in London to examine the young men, they being educated where they please, 3893——Though cramming now takes place for getting into the East India Company's College, it does not for getting out of it, 3894. 3898-3900.

With regard to Oriental languages, would do but little in this country, 3895. 3901——Would make passing an examination in India necessary before employment in any considerable duty, 3904——Would send them up the country to a collector immediately on arriving in India, 3906, 3907——And have them examined in the interior, 3908, 3909——Thinks that if the species of education suggested for civil servants in India were added to a great university like Cambridge, it would not fall into neglect if the Indian appointments were worth having, 3911-3916——The papers upon law and political economy at Haileybury have been exceedingly well calculated for the education of young men, 3918——There is a want of good works upon India and Indian affairs, 3919——Men in India learn principally from experience, 3920——If the service was divided into two branches, would carry the candidates about half way together, when they should be separated, and the examinations would be distinct from each other, 3922, 3923——Has known natives of very respectable condition educated in college, 3934——But the higher the class, the greater is the difficulty to make them exert themselves, 3936.

Natives are extremely apt for the judicial office, 3937——The great thing to promote purity is to have sufficient laws and a sufficient system; there is no insuperable difficulty in respect to corruption, 3938——No objection to have a native judge in the Sudder, or in any collective court, 3939——Amalgamation of the Supreme Court and the Sudder Adawlut is not advisable under the present system of appointing judges, 3941. A jury system, such as we have in England, would not act well; but an Indian jury, that is, a punchayet, might be applied with the greatest possible benefit, 3942——A jury would never be an efficient instrument in criminal cases, 3944——Considers the want of trustfulness is very much exaggerated, 3945——Manner of taking evidence when administering justice in Khytal, 3946-3952.

Reason why the average ability of the judges is below the average ability of the collectors explained, 3953——Why the complaint does not apply to Bengal Proper, 3956——Separating the revenue and the judicial branches would give a fair average of men in each, *ib.*——The principle of seniority ought not to be strictly adhered to; there should be something in the junior branches in the way of examination, 3957——The system of acting appointments interfered with the efficiency of the service, 3958——A preliminary legal education would be advantageous to a collector, his functions being to a large extent semi-judicial, 3961, 3962——At first considered the best system was combining revenue and judicial matters in the same functionary, but further experience has led to the conclusion that criminal law and landed tenures should be separated from the civil and commercial law; if not separated, would like to see the offices of magistrate, collector and judge united, 3963.

Camp-followers. The registered camp-followers are provided for by the Commissariat, *Burlton* 626——The registered followers are those who receive the Government pay, *ib.* 628——Are about four to one of the fighting men, *ib.* 627——How paid by Government, *ib.* 636——They are generally supplied with food by contract, *ib.* 637——They are not fighting

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Camp-followers—continued.

fighting men, *Burlton* 638——Two or three to each fighting man is perhaps nearer than four, *ib.* 640——In case of action they take care of themselves, *ib.* 641——The registered followers at times were on half rations, *Viscount Gough* 761——In Bengal they are five to one fighting man; in Bombay army, three to one, *Napier* 862. 865——They are about five to one fighting man, *Viscount Melville* 1310——The number is a great inconvenience, but does not see how in India you can do without them, *ib.* 1333, 1334——They are supposed to find themselves in everything, *ib.* 1334.

The unregistered camp-followers do the best they can for themselves, *Burlton* 629——It is a marvel how they contrive to feed themselves, *ib.* 631——Does not think that supplies are sent after an army independently of the Commissariat, *ib.* 632.

CANALS:

May be divided into two classes, those deriving their supply of water from rivers fed by melted snows, and those from rivers which are supplied by the rains of the south-west monsoon, *Thornton* 7463——The waters of the Jumma have been divided in two canals, 155 miles above Delhi, called the Eastern and Western Jumma Canals, *ib.* 7465——They were restored by Lord Hastings between 1823 and 1830, *ib.* 7467——The two main branches are precisely what they were before, *ib.* 7468.

Ganges Canals.—The first section is expected to be opened in the course of this year, *Thornton* 7475——With its branches it will measure when completed 700 or 800 miles, *ib.* 7475——And is estimated to cost 1,500,000 *l.*, *ib.* 7476——It will at times be available for navigation, *ib.* 7478.

Ruvee Canal.—Government has sanctioned an outlay of 500,000 *l.*, it will run about 400 miles; has been commenced within the last two years, *Thornton* 7480——The head of the canal is a few miles above Umritsir, and it will run parallel with the river, *ib.* 7481——Will supply Umritsir and Lahore with water, *ib.* 7482——Colonel Cotton proposed a canal running along the coast from Ganjam to Madras, and from Madras to Porto Novo, *Sims* 8815——It was rather a suggestion than a well digested plan, *ib.* 8817——There are no canals in Candeish but those in Bhauglana, *French* 8912.

Canals and Embankments. If conducted by private enterprise, would deprive the Government of a large amount of profit, *Kennedy* 7699——Does not think it practicable to make canals from any of the great cotton fields in the interior to the places of exportation, *Sims* 8812.——*See* also *Irrigation. Public Works.*

Canteens. Were established antecedent to 1834, *Melvill* 159——Before Lord W. Bentinck's arrival in India, *ib.* 160——They have since been greatly extended, but whether it has been beneficial or the reverse has been doubted, *ib.* 159——The equalization of the allowances was suggested by his Lordship, *ib.* 160.

Carr, The Right Rev. Bishop. Went to India as chaplain in 1815; was appointed archdeacon in 1832, and consecrated Bishop of Bombay in 1837; 8027——Establishment of the Church of England in the Bombay Presidency, 8030——It is desirable that the chaplains should be young men, and by the rules of the court they must have been in orders two years before they come out, 8031——They are licensed by the Bishop of London, 8032——But scarcely enough has been done to secure the chaplains being of the character required for their position, 8034——Concurs with the Bishop of Calcutta that a certain number should be in the recommendation of the bishop, 8036——There are no clergymen in India except chaplains and missionaries, 8038——Would not be advisable for the bishop to recommend chaplains from amongst the missionaries, 8039——With one or two exceptions the Bombay chaplains have not come out in debt, 8042.

An increase in the number of chaplains is required, 8042. 8053. 8062——A reserve of a few to fill up vacancies would be very desirable, 8043——Men are not often buried without the rites of religion, 8044——Number of stations in Bombay at which European troops are quartered, 8048. 8060——There is always a chaplain where there is a European regiment, 8049. 8055——And generally where European companies are stationed, 8057——About one-fourth of the number on the list are usually absent, 8063——Their salaries, 8070. 8072.

The archdeacon's salary was reduced at the renewal of the last Charter, 8066——From 1,400 rupees to 250 rupees a month, 8067——The appointment was then given to a chaplain, 8068——It is decidedly inconvenient, 8074——Objections to the arrangement, 8075 *et seq.*——It reduces the office of archdeacon very much to a sinecure, 8080——Concurs with Archdeacon Shortland, that he should be relieved from the duties of chaplain, and authorised and enabled to make visitations when required, 8083——The size of the dioceses would still give the bishop ample work, 8084.

A different arrangement of the dioceses of Madras and Bombay would be convenient, 8086——The limits of the Bombay diocese are considered to be the limits of the Presidency, 8090——All the stations in the Dukhan would more conveniently belong to Bombay, 8092——And all stations on the Malabar coast which can be reached by a steamer, 8093.

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Carr, The Right Rev. Bishop—continued.

There are Roman-catholic chaplains at the stations, 8095——And they may go into the field with a large force, but not with distinct regiments, 8096——Allowance made to them, 8097——They are appointed by their own bishops, 8098——Government funds have been appropriated for extending or building Roman-catholic chapels, 8099.

Statement of the provision for the education of the Christian children of the poorer classes, 8100——The natives have no public charitable establishments independent of Government, 8102 — Except a hospital built by Sir Jamsetjee Jejeebhoy, 8103. The churches are pretty well attended once on a Sunday, 8105——Those who never attend church are rather the exception, 8106——Wherever there is a regiment they attend once a day pretty regularly, 8109——In the island of Bombay there is a Presbyterian church, also the Scotch free church, 8111——Service is performed at an hour convenient for the soldiers to attend, 8113.

There is a large class of nominal Christians on the west coast of India, 8117——They are Roman-catholics, 8119, 8120——Considerable improvement has of late years taken place in the Roman-catholic priests; some are very intelligent, 8122——They are both Europeans and natives, 8123——Some are under the vicar-apostolic, and the others under the Archbishop of Goa, 8125——There is a schism amongst them on the question, 8127. Position of the English Government towards them; the object is not to recognise the authority of the Archbishop of Goa over the churches in the Island of Bombay, 8131——Of late years there have been scarcely any conversions by the Roman-catholic priests, 8139——A few of the children of the native Roman-catholics have been received into the Indu-British schools; they are reserved, and do not like to enter into conversation on the subject of religion with Protestants, 8140.

Never heard that chaplains had been prohibited from acquiring the vernacular languages, 8141——But a recommendation that they should be required to undergo an examination after a certain time was not countenanced at home, 8142——Ways in which chaplains might be useful, if acquainted with the native language, 8173——Statement of the agencies at work in the Bombay Presidency for the conversion of the natives, 8145. 8148——There are five missions of different societies, 8145——The actual result in conversions may be small, but there is an immense influence of Christianity spread abroad, 8149. Is of opinion that the Bible might be taught with safety in the Government schools, if the attendance were voluntary; a lecture upon Scripture would be well attended, but there would be a difficulty in getting lecturers, 8150——Government giving grants in aid of the different schools is the only fair way of meeting the difficulty, 8151——There would be no danger of alarming the native mind by such grants, 8152——Though the Scriptures are not taught, considerable instruction is given on subjects connected with Christianity, *ib.*——A number of Bibles with marginal references, ordered out by the Bombay Bible Society, were soon disposed of, principally to natives, 8157——Does not remember a single instance of absolute conversion of boys who have attended the Government schools, 8156——But they are quite infidels as to their own religion, 8158——Opinion of a Brahmin professor of the Elphinstone Institution as to the state of Hindooism, 8159——There is a general feeling that the downfall of Hindooism may be expected, 8161. 8163.

Two natives have been ordained in the diocese of Bombay, 8167——The one, a Brahmin, had been educated in the Church Mission Society School at Nassick; the other was an apothecary in a native regiment, 8170——It is desirable to encourage them; they would be very useful among the camp followers, 8179. The senior chaplain at Bombay is the only chaplain that has a house furnished him by Government, 8171——When in India recommended the opening of schools in every bazaar where we have a European station; they should be placed under the chaplain; the chaplains might also superintend the education of the sons of chieftains; young men and boys wards of Government, 8173——Does not think that it would be distasteful to the relations of those chiefs, 8181–8185——If done cautiously, 8185.

The Bishop of Bombay has 2,000 rupees a month salary, 8190——And an allowance of 1,000 rupees a month, the use of tents and the carriage of tents when travelling, 8187. 8192——A consolidated salary would probably be more convenient, 8186——The allowance is a fair allowance, and ample to cover the extra expense of travelling, 8194. 8199–8204——The expense of living at Bombay is greater than at Calcutta, 8195——The bishop has a pension at the end of the service, 8198——When travelling he has a small guard for his baggage, 8205——And a European medical attendant, 8206——He is saluted at the stations, 8207——Witness visited each station once in three years, 8208.

Allowances are made to some of the temples in the Bombay Presidency, 8211——In consequence of grants by former Governments, 8212——Sometimes in lieu of temple lands resumed, 8215——Government has been anxious to put an end to such payments, 8217——There is a continued effort to get quit of the connexion on the part of Government, 8219. Government has been anxious to discontinue the attendance of troops and Europeans at festivals or processions, and it is in a measure discontinued, 8221–8224——In some instances, as a mere matter of police, it is necessary; the instructions are to make the

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Carr, The Right Rev. Bishop—continued.

the attendance as much as possible an attendance on the Prince, and that the troops should be discharged before they actually arrive at the temple, 8225——There is no occasion to take them exactly up to the temple, 8226.

Carriages. Are sometimes pressed when a corps is moving, but the owners are well paid for it, *Burlton* 614.

Caste. Statement of the different castes in the Bengal, Madras, and Bombay armies, *Melvill* 88——The prejudices of the higher castes is not a sufficient reason for enlisting men of a lower caste, *Viscount Gough* 714——There is a good deal of difficulty sometimes with high caste men, *Viscount Hardinge* 2086. Natives of the lowest caste are not allowed to enter the courts of law in the Madras Presidency; their evidence is taken outside, *Duff* 4151——Caste has not been found to create any difficulty in the schools, *Edwards* 5805——Except the lowest of all, the Pariah caste, *ib.* The low caste forms a small section of the population, *Perry* 5912——Would not asperse them; they are not given to pilfering, *ib.* 5913. Complaints have been made that caste has been interfered with by the new system of feeding and messing prisoners, *Halliday* 3503——Castes are divided into very minute classes, *ib.* 3519——It was a matter of surprise when the new cooking system was introduced into the gaols of the Bahar Provinces, *ib.*——The supposed infraction of caste produced serious outbreaks at Benares, Patna, and Chuprah, *ib.* 3505——And also at Gya, *ib.* 3521.

Loss of caste involves loss of inheritance, *Duff* 4167——With the native, caste is almost everything, *ib.* 4214——Is a social rather than a religious distinction, *Marshman* 6438——A man's exclusion from caste turns almost entirely upon the point whether he shall be invited to social and religious festivities or not, *ib.* 6543——Nothing can be more indefinite than the question of caste, *ib.* 6502——Or looser than the idea the natives themselves entertain of it, *ib.* 6508——According to the letter of the Shastras, scarcely a native in Calcutta has any caste left, *Marshman* 6502; *Duff* 6125——Is only aware of one instance of loss of caste within the last thirty years, *Marshman* 6503——Loss of caste incapacitates a party from the performance of the funeral ceremonies of his parents or ancestors, *Duff* 6127——Which works a forfeiture of his patrimony by the Hindoo law, *ib.* 6131——Crossing the sea does not incur an irreparable loss of caste, *Cameron* 7373——It may be repaired by payment of a fine, *ib.* Natives of the higher caste attend the English Institution at Calcutta, *Duff* 6126——About one-third or one-fourth are Brahmins, *ib.*——There was no difficulty at Hooghly College, arising from the distinctions of caste, *Wise* 6935——No difficulties in the schools, *Norton* 6375——Except that upon some Pariahs being admitted it was necessary to expel some students, who almost all asked to return again, *ib.*——Education has a great tendency to subvert the distinctions of caste, *ib.* 6374——Native judges are influenced by the prejudices of caste, *Wise* 5380.

See also *Education.* *Funeral Rites.* *Hindooism.* *Lex Loci.*

Catechists. A large number of catechists are now being trained, with a view to their ultimate ordination, *Keane* 7991.

Cattle (Public). The public cattle are mostly furnished from the cattle stud at Hissar, *Burlton* 546——Cattle, when purchased, are passed by a committee of commissioned officers appointed by the commanding officer, and on being approved of are branded in the presence of the committee, paid for by the commissary, and entered in the books, *Burlton* 548——The public establishments furnish a sufficiency for all general purposes, *ib.* 550——They are kept for the conveyance of tents, ammunition, and public stores, *ib.* 551——Are chiefly supplied from the public establishments, 589-591——They cost more perhaps than what they can be bought for, but they are of a superior kind, *ib.* 592. The cattle studs are under the Commissariat, *ib.* 594——There have been but very few complaints of the cattle not being fed by the Commissariat, *ib.* 570——Does not recollect any complaint on that score during the Affghan war; there was no complaint of want of grain, *ib.* 572——But the cattle suffered very much for want of green fodder, which is not provided by contract, *ib.* 573——The Bengal establishment of public cattle is about 5,000 or 6,000 camels, *ib.* 595——As many transport train bullocks, *ib.* 596——And 500 or 600 elephants, *ib.* 597——The elephants, camels, and bullocks, except those attached to the artillery, are entirely under the Commissariat, *ib.* 598.

See also *Commissariat.*

CAVALRY:

Irregular.—Consists of 21,020 men, *Melvill* 12——Not including the contingents, but including the Scinde horse, *ib.* 13, 14——It has been increased from five regiments at Bengal and one at Bombay, in 1834, to twenty three regiments at Bengal, and six at Bombay, *ib.* 60——Grounds on which such increase has been made, *ib.* 61——It is officered from the regular army, *ib.* 15. The irregular horse are a most efficient and useful arm of the service, *Cotton* 351, 352——The irregular man is hired for so much a month for man and horse, *ib.* 353——From what class of men recruited, *ib.* 369——Are of better

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CAVALRY—Irregular—continued.

families generally than the foot soldiers; are generally Mahomedans, *Cotton* 371; *Pollock* 445, 446——The regiment s have but three European officers, *Pollock* 444; *Napier* 823——And have unquestionably behaved well in the field, *Pollock* 444——Does not consider them superior to the regular cavalry corps, *ib.* 448——The irregular horse are much less expensive than the regular cavalry, *Berkeley* 492——The native officers are generally of high caste, and have horses of their own, which they let out to other men, *ib.*

They are generally more expert in the use of their arms than the regular, *Berkeley* 493——Their saddles are better suited to them, *ib.* 494——They provide their own swords, and almost always cut, *ib.* 495——It is a more popular service than the regular cavalry, *ib.* 496——The men about Arcot who used to enlist in the regular cavalry, now prefer the Mysore irregular horse, *ib.* 497——The superiority of the irregular to the regular cavalry is in some degree owing to the equipment, but generally they are a better class of men; their native officers are a very superior class, *Viscount Gough* 667——Their pay is insufficient, *ib.*——Are more effective in the field than the regular cavalry, *ib.* 668——The European officers are almost universally very judiciously selected, *ib.* 670——Each regiment has a uniform, the national dress, of a peculiar colour, *ib.* 672——The officers have a fancy uniform of their own, assimilating to that of the men, *ib.* 675——There is no indisposition on the part of the officers to wear such a dress, *ib.* 677——The irregular cavalry are very well officered, and the officers are of a superior grade, *ib.* 678——The command of an irregular regiment is the most desirable of any in India, *ib.* 691——The pay is 1200 rupees a month, *ib.* 692. The irregular cavalry have horses and mares working together, *Napier* 812——The irregular cavalry and infantry are both very superior to the regular, *ib.* 823——The reason is, the officers are all selected, *ib.* 823, 824, 825——And he has no European society to divert him from his military duties, *ib.* 825. Never saw a better corps of irregular cavalry than the Scinde irregular horse, *Viscount Melville* 1379——A great many of them were Hindoostanee, *ib.* 1381——Should consider the irregular preferable to the regular cavalry, *ib.* 1382——The men prefer their native dress, and act better when dressed in it, than when dressed as Europeans, *ib.*——They are more manageable for field operations than the regular, *Viscount Hardinge* 1998——The drill is much the same as we should give the yeomanry here, *ib.* 1999——They are a larger force than the regular; there are eighteen regiments in Bengal alone, *ib.* 2007——They perform civil duties, *ib.* 2008——But finding it deteriorated the discipline, made arrangements by which two regiments should be always employed as a civil corps, but for no longer a period than three years at a time, *ib.* 2009.

Regular.—It consists of 10,186 men, *Melvill* 12——The regular native cavalry has not been increased since 1834, *ib.* 57——The cavalry soldier is generally of a higher class than the foot soldier, *Berkeley* 488——With respect to their mode of riding and arms, the native cavalry would be more effective if left to the system they have been used to, *Cotton* 357. 359——The regular cavalry have behaved admirably, generally speaking, *Pollock* 448——You must have a proportion of regular cavalry with every large army, *Cotton* 352——Suggestions for improvement in the dress and equipment of the cavalry, *Viscount Gough* 664——One regiment of regular cavalry would cost about as much as two regiments of irregular, *ib.* 668——The regiments of regular cavalry have from 550 to 560 men, and the irregular regiments from 600 to 800, including officers, *ib.* 669.

The cavalry in India must be gelded, stallions are not fit for it, *Napier* 806——Believes all cavalry officers are against employing stallions, *ib.* 811——Inconveniences arising from the employment of stallions, *ib.* 806-811——Believes that geldings have fully answered in the Madras Presidency, both with cavalry and artillery, *ib.* 807——A gelding will bear more fatigue, *Napier* 811. Cavalry is considered to be the preferable service in the army, *Alexander* 1012——The command of a cavalry regiment is more lucrative than any infantry regimental appointment, *ib.* 1016——The drill is the same, and the arms to a great extent the same as the European, *Vicount Hardinge* 1998——The proportion of European officers is larger to the number of men than in the infantry, though not more numerous than in the infantry, *ib.* 2002, 2003——They do not perform civil duties, *ib.* 2009——The impression in India of late years has been, that a regular is not so efficient as an irregular regiment, *ib.* 1997——Increase of officers in the native cavalry is not as essential as in the infantry, *ib.* 2004——The regular cavalry regiments have about 600 swords, the irregular 800, but the expense of the officers alone of a regular regiment is nearly equal to the whole cost of an irregular corps, 2010, 2011.

See also *Arms and Accoutrements. Army. Bargheers. Bombay Irregular Horse. Caste. Furlough. Guzerat Horse. Irregular Corps. Jagheedar Horse. Nizam's Horse. Officers. Pay and Allowances. Poonah Horse. Recruiting. Scinde Irregular Horse. Southern Mahratta Horse.*

Centralization of Government. Would extend the system which has worked successfully in some parts of India to other parts, *Trevelyan* 6774.

Change to the Sea. Meaning of the expression, *Melvill* 213.

Reports, 1852-53—*continued.*

CHAPLAINS:

There is but one in the field with an army, *Viscount Gough* 710——It is advisable to have one at every station with European troops, *ib.* 763——There is a deficiency in their number, *ib.* 764. 767——They are all sent out on the military establishment, and are called military chaplains, *Bird* 7160. They are hardly sufficient for the duty, *ib.* 7161——An increase is necessary now that we have the Punjaub. *ib.* 7162——The European chaplains ought to be increased, as the British dominions have been considerably extended, *ib.* 7139——Very few of them are familiar with the native languages, *ib.* 7141.

At the large stations where native Christians have accumulated, the chaplains should have native assistants, *Bird* 7127. 7140——Salary proposed for them, *ib.* 7132——The proposition is to appoint them where chaplains already exist; it may be extended afterwards, *ib.* 7142——Grounds upon which it was recommended, *ib.* 7137 *et seq.*——The proposition was submitted to Lord Hardinge, who sent it home with a recommendation in its favour, *ib.* 7152——But objections were made to the appointment of a lower order of chaplains, *ib.* 7154——The home authorities refused to authorise their appointment, *ib.* 7159. Two natives have been ordained in the Bombay diocese, *Right Rev. Bishop Carr* 8167——How prepared for holy orders, *ib.* 8170——It would be very desirable to extend the employment of them as chaplains, *ib.* 8179——They would be much cheaper, *ib.* 8180——Opinion that a small body of indigenous chaplains maintained by the Company is of the highest importance, *Right Rev. Bishop Spencer* 8386——An arrangement for the ordination of native clergymen would aid greatly the increase of Christianity in India, *ib.* 8387——It would not alarm the native mind, *ib.* 8388——Such chaplains would require to be placed under European superintendence, *ib.* 8390——As the natives have not the same vigour and the same solidity of character; but they have done excellent service in India, *ib.* 8391.

Never heard any complaint of the Government chaplains attempting to convert the natives, *Duff* 6145——The character of the Government chaplains has vastly improved since the establishment of the episcopacy, *Bird* 7163——The number of the chaplains is certainly inadequate to the wants of the servants of the Company, and of the Europeans settled in India, *Keane* 7927——Grounds of such opinion, *ib.* 7929. 7935——An increase in the number is required, *Right Rev. Bishop Carr* 8042. 8053——It is highly desirable, *Right Rev. Bishop Spencer* 8378——They should be required to learn the native languages, *Keane* 7936; *Right Rev. Bishop Carr* 8153——Is not aware of chaplains having been discouraged in acquiring the languages; but a recommendation from the Bombay Government that they should be required to undergo an examination after a certain time was not countenanced at home, *ib.* 8142——Chaplains have taken part in the missionary societies, *ib.* 8143. Disadvantage of their position as compared with the other servants of the Company, *Keane* 7937——They are the worst paid covenanted servants in India, *ib.* 7938——A full chaplain receives 800 rupees a month, *ib.* 7941——An assistant chaplain is entitled to a pension at the end of seventeen years' service, *ib.* 7943——A missionary is a more independent man, and has not the same claims upon him to expend money as a chaplain has, *ib.* 7940——Chaplains ought to go to places where the Company's servants exclusively reside; large town congregations should be provided with clergymen paid by themselves, *ib.* 7949——Clergymen in India are all either chaplains or missionaries, *Right Rev. Bishop Carr* 8038——Chaplains are always present with the European regiments in the Bombay Presidency, *ib.* 8049——And generally at the out-stations where Europeans are stationed, *ib.* 8057, 8058——But there is no provision for the presence of a chaplain with each European regiment on leaving a station, unless they go on actual service, *ib.* 8051.

It is very desirable that they should be young men; by the rules of the court they must have been in orders two years before they come out, *Right Rev. Bishop Carr* 8031——They are licensed by the Bishop of London, *ib.* 8032——But scarcely enough has been done to secure the chaplains being of the character required for their position, *ib.* 8034 *et seq.*——It would not be desirable to select a portion of them from among the missionaries, *ib.* 8039——Chaplains at Bombay, with one or two exceptions, have not come out in debt, *ib.* 8041——It would be very desirable to have a reserve of a few chaplains, *ib.* 8043——Chaplains should have the superintendence of schools to be established in every bazaar at European stations, and also of the education of native native youths, the sons of chieftains and wards of Government, *ib.* 8173——Does not think that this last suggestion would be distasteful to the chiefs, *ib.* 8181-8185——Does not think that it is necessary to inquire whether the men who are sent out as chaplains are in debt, *Right Rev. Bishop Spencer* 8383. Does not concur with the Bishop of Calcutta that a certain number of chaplains ought to be recommended by the bishop, *ib.* 8384——On the whole the appointments by the Court of Directors are very good, *ib.* 8379——At Bombay there is generally one-fourth of the number on the list absent from various causes, *Right Rev. Bishop Carr* 8063——The senior chaplain alone has a house furnished him by Government, *ib.* 8171.

See further *Bishops. Christians. Church. Conversions* and *Converts. Religious Instruction.*

Reports, 1852-53—*continued.*

Charitable Institutions (*Native*). The only institution by natives at Bombay is a hospital by Sir Jamsejtee Jejeebhoy, *Right Rev. Bishop Carr* 8103.

Charter Act, 1833. The only safe and successful way of carrying out the eighty-seventh clause will be, not by placing individuals much above the rest of their countrymen, but by progressively extending the limits of employment to all natives, *Trevelyan* 6583——The Parliamentary inquiry has created a very deep interest at Bombay, *Perry* 2512——And an association was formed for the purpose of calling the attention of the English public and Government to the state of India, *ib.* 2515——Evidence upon the construction of the 43d, 53d, and 103d clauses of the Charter Act, with cases and opinions, *Melvill* 5211–5243.

Cheltenham College. Is only a school, but particularly well adapted for ascertaining whether young men are likely to excel in the military or in any other profession, *Pasley* 5742——Boys are received from the age of ten or eleven, *ib.* 5747——They generally stand high at Addiscombe, *ib.* 5750——It is remarkably well managed, *ib.*

See also *Education.*

Chief Justice of the Sudder Court. Reasons in favour of having such an officer, *Hawkins* 4364.

See also *Courts of Justice.*

Children of Soldiers. There is no provision for them after the death of the parent, except the orphan allowance, which lasts for a certain time, *Alexander* 1261. 1264——There is great difficulty in providing for the sons of soldiers, *ib.* 1262.

China War. It did not cost the Government nor the East India Company one farthing; the treaties of Canton and Nankin provided by the repayment of the expenses of the war, *Viscount Gough* 790——Several men were lost on the passage to China by the foundering of an unseaworthy vessel, *Alexander* 1126.

Chinese Social System. Probable conservative element in it, and remarks upon it, *Trevelyan* 6749——They are in about the same state of civilization as the Indians, *ib.* 6751.

Christians. In the return of the castes in the army are the fifers and drummers, *Melvill* 231——They are half-castes, *ib.* 232.

Christians (*Native*). Are sworn in all courts as in England, *Halliday* 4530——There are not many in the outlying parts of our Indian empire, *Bird* 7169——Never heard of children being turned out of school on account of their conversion, *Wise* 7043——There are a great many now in different parts of India, *Bird* 7125——Have subscribed largely for religious and charitable purposes among themselves, *Tucker* 8262. Who are included under the term Native Christians, *Duff* 6241——It is the duty of Government to see that those attached to our Establishment have their religious wants attended to, *Bird* 7129——Several of them have been ordained, *ib.* 7130——Has no doubt but that Europeans would accept their ministration, *ib.* 7135——Their employment would afford great encouragement to education, *ib.* 7138——Opinion that they are sincerely attached to the British Government, *Tucker* 8336——Those belonging to the Church of England are about 59,306 out of 94,145, *ib.* 8337——And about one-half are the children of Christian parents, *ib.* 8338——There is a most marked difference of character when compared with the heathen, in the common relations of life, *ib.* 8367.

See also *Bible. Conversions. Converts. Education. Missionaries. Missionary Schools. Religion. Religious Instruction.*

Christian Villages. The system has been tried in some parts of India, but doubts its success, *Keane* 7994——Because a convert can do more good among his heathen relations, *ib.* 7995——The inhabitants of the Christian villages in Southern India certainly do adorn by their lives the doctrines they profess to have taken up, *Right Rev. Bishop Spencer* 8393——Opinion that they are a very great blessing to the country in every point of view, *ib.* 8395——The Christian community in India should be recognised in all acts of legislation, and all Christian endowments encouraged and protected, *Keane* 8019.

Christianity. Nothing short of it will effect any real moral change in the natives of India, *Trevelyan* 6780——Would rely more upon the progress of knowledge and improvement to guide the natives to it, than to the introduction of religious instruction in the Government schools, *Norton* 6361——But without interfering with the efforts of others, *ib.*——Any Government interference would excite animosity, *ib.* 6362——Its progress might be greatly prejudiced by any departure from well-defined and established principles, in order to give scope to religious enthusiasm, *Trevelyan* 6796——Remarks upon Government interference; the greatest danger to Christianity is the liability to panic and reaction in the native mind, *ib.* 6800——Testimony of Lord W. Bentinck and Mr. Robinson to the same effect, cited, *ib.* ——It would be impolitic at present to admit Christian teaching, *Wise* 7039——The time has not yet arrived when Government could with safety take any direct part in propagating it, *Bird* 7102——Would be attended with considerable danger *ib.* 7103——It would be very unwise to interrupt what is going on by exciting the religious feelings of the natives, *Cameron* 7413.

Though

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Christianity—continued.

Though not directly taught in the Government schools, works are admitted in them involving the truth of it, *Cameron* 7427——A desire to know something of it is greatly increased by the course of instruction at Hooghly and Dacca, *Wise* 7027——Where the knowledge of Christianity acquired by the students has astonished clergymen and missionaries who have examined them, *ib.* 7028——A considerable amount of it is taught in the Government schools, *Right Rev. Bishop Carr*, 8152-8155——Some of its most bitter opponents are the young men trained at the Government colleges, *Marshman* 6446. It is daily gaining ground in India; the Brahminical principles are not regarded now as they used to be, *Keane* 7990——It is decidedly not desirable for Government to adopt a proselyting system, *ib.* 8015——Statement of the indirect means by which the Government might aid the missionaries, *ib.* 8016 *et seq.*——The most desirable plan for Government connexion with education, as regards Christianity, would be to give grants in aid of all schools except those where indecent books are taught; a proposition has been made by the Madras Government to this effect, *Tucker* 8303——Though there are instances of alarm in the native mind at the spread of Christianity in India, generally speaking the natives rather despise us for want of courage in setting forward our religion, *Right Rev. Bishop Spencer* 8396——At one time there was needless alarm on the part of the Indian Government, *ib.* 8400——But never found any discouragement from the Home Government, *ib.* 8401.

See also *Bible. Bishops. Catechists. Chaplains. Conversions and Converts. Education. Hindooism. Lex Loci, or Liberty of Conscience Act. Missions. Religious Instruction. Toleration. Translation.*

Church Missionary Society. Statement of the missions of the society in India, *Tucker* 8232 *et seq.; Appendix* (P.) *Second Report, p.* 620——There are eighty-eight ordained clergymen missionaries in India, *ib.* 8233——The affairs of the society are administered by a committee at Calcutta, Madras, and Bombay, respectively, *ib.* 8234——The Bishop is a member of the committee, but not ex-officio, *ib.* 8235-8237——The civil and military servants of the Company render very great and very cordial assistance, *ib.* 8238——The object of the society with regard to native pastors, is to call upon the native Christians to raise a fund for the support and endowment of the Church, *ib.* 8261——The society has no station at Tuticorin, *ib.* 8276——It is making every effort to extend education further than has hitherto been done, and to raise the character of it among native Christians, *ib.* 8305——The society expends about 45,000*l.* per annum in India, *ib.* 8345——And generally abstains from going where other denominations of Christians have preoccupied the ground, *ib.* 3846.

See also *Bible. Christianity. Conversions. Converts. Education. Missions and Missionaries. Religion. Religious Instruction. Tinnevelly.*

Church of England in India. The strength of the Church Establishment is not much to the honour of religion, *Keane* 7894——The ecclesiastical establishment in India consists of three bishops, forty chaplains, and eighty assistant chaplains, *ib.* 7920——Statement of the suggestions for its improvement agreed to at the threefold conference of the Propagation of the Gospel, the Christian Knowledge, and Church Missionary Societies, *ib.* 7922——Remuneration of the different grades of the clergy in India, *ib.* 7945——There are ample opportunities for a local church in India, *ib.* 7946. Present condition of the Establishment in the Bombay Presidency, *Right Rev. Bishop Carr* 8030——The churches are pretty well attended once on a Sunday, *ib.* 8105——The congregations vary according to the religious tenets of the regiments at the stations, *ib.* 8109——The service is generally performed at an hour convenient for the troops, *ib.* 8113.

See also *Bible. Bishops. Bishopricks. Chaplains. Christianity. Conversions. Converts. Education. Religion. Religious Instruction.*

Church of England Propagation Society. Institutions in Tinnevelly have been set up for the education of the children of Christians, *Duff* 6178.

Circuit. In the event of the amalgamation of the Sudder Court and the Supreme Court, it would be very advantageous for the English judges to go round in the way of circuit, *Halliday* 3369——Would rarely send a Queen's Judge into the interior, *Ryan* 2433.

Circular Orders. Issued by the Sudder Court, are agreed upon by all the members of the court, *Reid* 2860.

Civil and Military College. Has been established at Roorkhee for the study of the higher branches of engineering, as at Sandhurst, *Abbott*, 5728.

Civil Courts. The judges in the first instance are for the most part natives, *Campbell* 3799.

Civil Engineer Department in India. Is filled up very much from the line, *Abbott* 5719.

Civil Judge and Magistrate. The two offices are now separated, *Duff* 4207.

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Civil Procedure in India. The system should be simplified; in the Punjaub thirty-four per cent. of the cases are decided at once, *Millett* 2342——Suits are much cheaper in the North-western Provinces, *ib.* 2351, 2352.

See also *Administration of Justice. Code. Courts of Law. Law.*

Civil and Military Services in India. Has a very high opinion of the service as it exists, *Perry* 2615, 2616.

Civil Service:

Opinion is by no means adverse to the civil servants in India generally, *Perry* 2620——The civil service is distinguished by a high gentlemanly feeling, and a very high principle of honour, *Marshman* 5020. 5031——But there are exceptions, *ib.* 5031-5034——There is a remarkable *esprit de corps* diffused throughout the whole civil service in the North-western Provinces, *Duff* 6082——The civil service is remarkable for its purity, public spirit, and the way in which its members identify themselves with the natives, *Trevelyan* 6888——It is a great point that young men should identify themselves with Indian interests, *Willoughby*, 2997——In Ceylon the service is inferior to Bengal, *Marshman*, 5026——Their renumeration there is very inferior, *ib.* 5027. Statement of the privations which the civil servants are subject to, *Trevelyan* 6888——Suggestions with a view to conferring rewards and honours upon deserving members, *ib.* 6888, 6889-6892——As a body the civil servants wink at nothing; has a high opinion of their honesty *Keane* 7803——System of promotion anterior to 1829, described, *Reid* 2893-2903——Promotion by seniority certainly ought not to be strictly adhered to, but doubts if it can altogether be got rid of, *Campbell* 3957——Having once obtained a footing in the service, they must rise by seniority unless pecuniary corruption or mental imbecility is established against them, *Marshman* 5025——Existing rule in Bengal, *ib.* 5036——Promotion formerly depended upon the examination at Haileybury, but now upon the examination after in actual service, *ib. 5060.*

With the exception of the judicial branch, would choose the civil servants from the army, *Perry* 2607——Advantages of drawing upon the army for civil servants, *ib.* 2622-2634——Subordinate appointments is the great evil of the service, and we must look to natives to fill such appointments, *ib.* 2632, 2633——Has doubts whether, if thrown open to competition, the competition would be such as to ensure superiority, *Rev. H. Melvill* 4956——The proportion of incompetent men is too great, and within the last ten or twelve years has been rather on the increase, *Marshman* 5025——Should be open to competition in the first instance, *Trevelyan* 6584——If continued in its present form it will operate as a great discouragement to the natives to qualify themselves, *Duff* 6232——It is necessarily close as regards Europeans, *Trevelyan* 6572——The European and native service is divided by an impalpable line, which is continually extending as the natives become more fit for responsible employment, *ib.*——Would divide the service into two branches, *Campbell* 3922——And would educate the candidates for both branches about half way together, *ib.* 3923——Would object to drafting off a particular class to one branch of the service, *Hill* 2222.

Every civil servant has to act as a judicial officer, *Hill* 2230-2252——Sir Thomas Munroe's opinion upon the subject, *ib.* 2237——The revenue and judicial branches do not admit of an exact comparison, *ib.* 2242——The destination of a young man to either the one branch or the other is very much determined by the accident of a vacancy, *ib.* 2251——Complaints that incompetent men are appointed to the judicial office are exaggerated, though not altogether unfounded, *ib.* 2248——The junior civil servant is subjected to a more severe test than the native before he is appointed to the judicial office, *Willoughby* 3285——They are examined before they are appointed to the judicial functions, *Halliday* 3388——Nature of, and the manner of conducting such examinations, *ib.* 3389, 3390——Statement of the number employed in each Presidency, *Trevelyan* 6572——The present generation of civil servants is not answerable for the abuses in the administration of India, *Duff* 4239——They identify themselves with native interests in a remarkable degree, *Trevelyan* 6661.

Education of Civil Servants in England.—Suggestions on the subject of the education of civil servants, *Campbell* 3855. 3910——Objections to educating them in common with those who are to enter professions, &c. in this country, *Trevelyan* 6909——The instruction at Haileybury ought to be extended in order to embrace such subjects as civil engineering, &c., *ib.* 6915. 6917——Education of young men for the civil service in India should be carried on in one place, but it should not be an isolated establishment, *Campbell* 3879, 3880——In an isolated establishment the professors do not like to pluck young men sufficiently, who consider that they are in the profession already, *ib.* 3881——It might be a good plan to say that all who wish to go into the civil service in India must go to Cambridge and take certain honours, *ib.* 3884——Would require jurisprudence, political economy, history, and perhaps a little civil engineering for all civil servants, *ib.* 3896——If oriental acquirements are to be deferred till reaching India, would not postpone their arrival there to a later date than at present, *Rev. H. Melvill* 4993——About twenty-one or twenty-two is the most desirable age for a young man to arrive in India, *Willoughby* 2993-2996——Educational institutions in England for the civil servants should be open to

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CIVIL SERVICE—continued.

the natives, *Cameron* 7372——But attention would be required to be shown to their peculiar feelings and prejudices, *ib.*——The principal thing would be the provision of wells, *ib.*

Training of Civil Servants in India.—Upon landing at Calcutta they are made acquainted with their destination to either the Upper or Lower Provinces, *Halliday* 3439——The distribution is made according to a certain proportion, and the known wants of each division, *ib.* 3441——Removing them from one province to another is not disadvantageous if carefully and judiciously done, *ib.* 3448——Government allowance whilst at the Presidency learning the language, *ib.* 3410. 3415; *Marshman* 5038——The practice of getting into debt has been much diminished, *Halliday* 3416——Some amount of debt is incurred, but not to the same extent as formerly, *Marshman* 5039——They are examined in the language after a certain residence in India, *Hawkins* 4326, 4327.

Observations on the training of the civil servants, *Hill* 2221-2253——The recommendations of the Law Commissioners relative to the training of junior civil servants was looked upon unfavourably by Government, *ib.* 2253——Advantages of serving a kind of apprenticeship in the revenue branch, *ib.* 2221-2225——Approves of the present system, *Millett* 2267——But at the end of a certain period would put him to his election as to which branch of the civil service he will continue in, and then examine him as to his capacity for that branch which he has selected, *ib.* 2271——Now they are often transferred from other departments to the judicial service, at a late period of their service, *Perry* 2567.

An especial training is necessary for the civil service, *Marshman* 5035——The Bengal Government last year passed a number of rules for the examination of young men in the civil service, *ib.* 5036——Formerly young men, having received a certificate of qualification from Haileybury, and being declared qualified for the public service by their knowledge of two languages in India, were employed, and no further inquiry made, *ib.*——They are now required to pass two further examinations, not only in the language but in the criminal and fiscal law, &c., *ib.*——Any one having passed the second examination may be safely pronounced qualified, *ib.*

Suggestions for the disposal of them after having passed, *Hawkins* 4326, 4327——Would not keep a young man too long at the Presidency on his first arrival in India, *Halliday* 3402, 3403——Would like to see the system of keeping them at the Presidency done away with, *Campbell* 3906——Would abolish the system, *Millett* 2273-2281——Would send them up the country to the collectors, *Campbell* 3906——Is inclined in favour of sending them into the Mofussil rather than detaining them at the Presidency, *Rev. H. Melvill* 4991——It is hardly necessary to require them to attend the courts at Calcutta; the object should be to send them out of Calcutta as early as possible, *Marshman* 5058——There is a good deal of intercourse between the younger and senior branches of the service kept up at Calcutta, *ib.* 5062——Plan for disposing of them on their arrival in India in the event of the judicial department being separated from the other, *Campbell* 3856-3861.

Upon appointment to the service after leaving Calcutta they are made assistants to the magistrate or the collector, *Marshman* 5060——At 400 rupees a month, *ib.*——And in about eight or nine years they become full magistrates upon 900 rupees a month, *ib.*——Salaries were reduced by Lord W. Bentinck, *Trevelyan* 6649——They are placed as judges of appeal before they have acquired any experience in courts of the first instance, *Perry* 2564——In the Regulation Provinces they alone are eligible to the offices of judge of the Sudder, revenue commissioner, civil or sessional judge, or collector, or magistrate, *Marshman* 5063, 5064.

Statement of the course of education at Haileybury, at the college at Calcutta, and of the duties of the different classes of civil servants in India, *Appendix* (C.), *Third Report*, *p.* 150.

See also *Addiscombe. Administration of Justice. Appeal. Collector. Courts of Law. Covenanted Service. Court of Directors. Deputy Collector. Deputy Magistrate. Education. Government Offices. Haileybury. Indian Service. Indian Training. Judicial Department. Judges. Law. Legal Education. Legislation. Magistrate. Native Agency. Police. Political Department. Registrars.*

Civilization in India. You must go some centuries back in order to arrive at anything in England resembling the state of civilization now prevalent in India, *Halliday* 3620——Civilization of the Chinese and East Indians is about much the same, *Trevelyan* 6751.

CODE:

The introduction of a code mainly depends upon the power in the Executive, *Perry* 2657-2660——A code would have been a great convenience, *Reid* 2958——The good administration of justice depends more upon reducing the system of law into one code, and establishing a convenient mode of procedure, than upon all other matters put together *Campbell* 3805——A rough code would be better than no code at all, *ib.* 3844——The

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Code—Commercial Code—continued.

civil law would be extremely improved by codification, *ib.*——One code, civil and criminal, for all India, would be most desirable, *Duff* 4211——Would put an end to the inconvenience of Europeans not being under the law of the Mofussil, *ib.* 4265——Is doubtful if any code will be found to work well throughout India, *Willoughby* 3058——Our Indian administration is too much in a state of experiment to make any such code, *Halliday* 3658——You must alter the whole Indian system before you can introduce one uniform code in India, *Pemberton Leigh* 3774——Has not anything to do with the settlement of Europeans in India, *Halliday* 3666——It would be a great disadvantage to them, *ib.* 3667, 3668——It is now considered that the meaning of the words used is perfectly translatable, *Hill* 2180——The difficulty would not be formidable, *ib.* 2183.

Law Commission would be an admirable body to draw up such a code, but it would require a strong governing authority to give effect to their recommendations, *Perry* 2673——Would be much better drafted in India, and reported home if necessary, *Reid* 2961——No advantage in settling it by commission in England, *Halliday* 3493——But it would be better than to wait for its settlement by the Legislative Council in India as at present constituted, *ib.* 3495——The best way would be to improve the Legislative Council, and leave the code in their hands, *ib.* 3466. 3493——The object should be to simplify and codify the several systems of law in force in India, *Duff* 4139.

Code of Civil Procedure.—Is one of the most crying wants in India, *Perry* 2666——Might be very easily drawn up, *ib.* 2669——Would be of very great advantage, *Reid* 2959——Would be a very simple work, *Campbell* 3844——On the plan of Mr. Macaulay's Criminal Code would be difficult, but not impracticable, *Millett* 2317.

Code of Criminal Procedure.—Was prepared by the Criminal Law Commissioners, *Ryan* 2381. 2490; *Perry* 2667——It was drawn up by Mr. D. Elliot and Mr. Cameron, *Perry* 2667; *Ryan* 2494——It was never passed, *Ryan* 2497——Nothing has been done upon it, *Perry* 2669——A criminal code and a code of criminal procedure should be brought into operation at the same time, *Ryan* 2499——A criminal code and a code of criminal procedure for the whole of India is very desirable, *Perry* 2644.

Commercial Code.—Is required above all things, *Campbell* 3845.

Cornwallis Code.—Was founded upon a previous code, drawn up by Sir Elijah Impey, about 1780; *Marshman* 5079.

Elphinstone Code.—Is very vague, *Perry* 2557——But up to a certain point was very successful, *ib.* 2645——It is the best code of legislation that exists at present, *Willoughby* 3066——Superior to anything hitherto compiled as a practical work; doubts if the Macaulay Code will be found to work as well, *ib.* 3154——It has been said that it was productive of very great good, *Halliday* 3662——The Law Commission said that it was very valuable and useful, but required a great deal of amendment, *ib.*——It has been translated into the Guzerattee and Mahratta languages, *Willoughby* 3156——It only applies to that part of Bombay actually belonging to the British Government, *ib.* 3239——When applied to the Deccan, it was modified in favour of the Sirdars, *ib.* 3153.

Macaulay Code.—Was reviewed by Mr. Cameron and Mr. Elliot, *Ryan* 2360——Their opinion of it was in general terms favourable, *ib.* 2361——It was circulated for opinions, *Reid* 2962——Sees no objection to it, *Halliday* 3659——No objection to introduce the criminal code as lately remodelled, *ib.* 3660——Mr. Bethune altered the definitions, and in substance drew up a new code, *Ryan* 2359——In the opinion of Lord Dalhousie, Mr. Bethune's alterations altered the nature of the code, *ib.* 2462——They have been referred to Mr. Peacock, *Marshman* 5194-5196——It has been translated into Hindostanee without any difficulty being found in conveying the sense of the enactments, *Perry* 2650——The code was finished in 1837; the subsequent dealings with it described, *Ryan* 2358——With a view to deciding the question, instructions should be sent to the Governor-general, if he has power to enact it, *Perry* 2664, 2665——Statement of the proceedings with reference to the compilation of a criminal code; the directors authorised the Indian Government to enact any code they approved of in 1848, and again in 1852, but no code has as yet been enacted, *Hill* 2164-2185——But one was compiled, consisting of a definition of crimes and their punishment, *ib.* 2181-2185.

Codification. Has no great faith in it, *Halliday* 3661——One simple code of criminal law might suffice for all parties; but with regard to civil law, there are so many systems that the object should be to simplify and codify them, *Duff* 4139——Digesting the law of India into a single and intelligible code, even supposing no alteration made, would be a most important educational measure, *Trevelyan* 6609——And the key to many beneficial changes, *ib.* 6811——A most important measure for the enlightenment and Christianization of India, *ib.* 6812——It would be much easier to ascertain the proficiency of young men if the laws were reduced into a code, *Cameron* 7354.

See also *Administration of Justice. Bar. Courts of Law. Education. Judges. Law Commission. Law in India. Legal Education. Translation. Vakeel.*

Reports, 1852-53—*continued.*

Collector. His local jurisdiction is generally as extensive as that of the judge, and except in the Lower Provinces of Bengal, he is also magistrate, exercising limited criminal jurisdiction, and head of the police, *Hill* 2114——There is great advantage in combining the office of magistrate with that of head of the police, *ib.* 2145——In Bengal, the offices of collector and magistrate have been separated with good effect, and much to the advantage of the country, *Duff* 4207——He has constantly to act as a judicial officer, *Hill* 2230——Collectors have a good deal to decide; they have to decide upon questions of tenure, *Reid* 2908——And their decisions may be appealed to the regular civil courts, *ib.* 2909——A preliminary legal education would be advantageous, as his functions are to a great extent semi-judicial, *Campbell* 3961, 3962——He has the power of referring small suits to another party, *Willoughby* 3017——The experience acquired in the office is very valuable in dealing with judicial questions, but it is not a good judicial training for a judge, *Perry* 2756——A man acquires a knowledge of the habits, feelings, and customs of the natives in the office, *Hill* 2221-2226; *Hawkins* 4331——There is a difference of opinion whether he is more in communication with the natives in the Upper than in the Lower Provinces, *Halliday* 3453——Service in his department would be unnecessary in the event of the jurisdiction of the judge being limited to civil and commercial law, *Campbell* 3855.

The name is a misnomer, he is the administrator of a district, *Campbell* 3953——He should rather be called the governor, *French* 8930——In Bengal he has very heavy duties to perform, though not the multitude of minute cases as in the Madras Presidency, under the ryotwar system, *Duff* 4208——Would make the office inferior to that of magistrate; he has nothing to do compared with the magistrate, *Marshman* 5288——In Bengal he has nothing to do with disputes in his district, or the repression of crime; he has to hear appeals on revenue claims, *ib.* 5290-5294——In districts not permanently settled, he has a great deal more to do, *ib.* 5296——At Bombay each collector has three or four assistants, *Willoughby* 3023-3026——Reason why the average ability of collectors is above the average ability of judges, *Campbell* 3953——Collector's cutcherry and the Adawlut are almost invariably in the same place, *Willoughby* 3020——Was appointed acting collector, with full powers of collector, after having been in the public service ten or eleven months, *Torrens* 8538——At Tippera, *ib.* 8545——Could not have acquired a knowledge of the tenures of India in that period, *ib.* 8541——The collector may therefore unintentionally do grievous wrong, *ib.* 8542——Sources from whence a knowledge of the tenures was acquired, *ib.* 8547——The most important cases were the resumption cases, *ib.* 8550——The La khiraj, or rent-free cases; there were also summary suits, claims for rent between zemindar and ryot, *ib.* 8551——They would not require such a knowledge as a judge is required to possess sitting judicially, *ib.* 8553——In the La khiraj cases, the validity of the document under which the lands were held would be the principal point, *ib.* 8554.

See also "*Civil Service.*"

Comité Consulatif de Jurisprudence Indienne. Established by the French at Pondicherry; is composed of nine natives, *Perry* 2728.

Commander-in-Chief in India. He commands all the Queen's forces, but he has nothing to do with the Commanders-in-Chief of the Presidencies with regard to the native armies, *Viscount Gough* 784——He has no authority to issue an order for the movement of troops in the other Presidencies, *ib.* 785——But he might send for Queen's regiments from the other Presidencies, with the consent of the Governor-general, *ib.* 786——Never found the slightest inconvenience from the present system, *ib.* 788——He has absolutely no power in India, *Napier* 831——He cannot remove a major or a lieutenant-colonel from one corps to another, *Alexander* 1018. 1022——Suggestions for increasing the efficiency of his authority, *ib.* 1046——His want of authority over the armies of the other Presidencies is a defect, *ib.* 1049——The Commander-in-Chief should always be with the Supreme Government, *Thornton* 5867.

Commander-in-Chief. Every Presidency should have its Commander-in-Chief, as at present, *Alexander* 1046.

Commercial Customs. Prevail in India to some extent, *Campbell* 3846.

COMMISSARIAT:

The commissariats of Madras and Bombay Presidencies are distinct from that of Bengal, *Burlton* 605——When the forces of two Presidencies meet in the field, each has its own commissariat quite independent, *ib.* 606——And might be bidding against each other in the same market, *ib.* 607-609——The Madras Commissariat is totally distinct from the Commander-in-Chief; he has no control over it, *Berkeley* 501——It is easily managed, so far as provisioning the men, who live generally on rice, *ib.* 502——Has had no means of judging whether its arrangements are sufficient in the field, *ib.*——Supposes that it is managed with due regard to economy; probably the commissary-general would not answer questions put by the Commander-in-Chief upon the subject, *ib.* 503.

Commissariat of the Bengal army, how formed, *Burlton* 525——It can do little or nothing without the consent of the Military Board; it cannot conclude a contract without its consent, *ib.* 531——In the field the deputy commissary-general or the commissary-general himself,

Reports, 1852-53—*continued.*

COMMISSARIAT—continued.

himself, will give the order, but it must be referred to the Military Board at Calcutta for approval, *Burlton* 532——It must also be reported to the Government, *ib.*——To the Military Secretary, *ib.* 533——But believes it to be a mere matter of form, *ib.* 534——The Commissariat was most flourishing and most successful when the commissary-general corresponded directly with the Government, *ib.* 575——The system of requiring committees to report upon every little matter tends to occupy the commissary-general's mind with trifles, *ib.* 577, 578——All such reports are written in triplicate, *ib.* 577——And it causes great delay in bringing the account for settlement before the Military Board, *ib.* 579.

Commissariat duties could not be entrusted with greater security to others than the military officers, as at present, *ib.* 582——The natives consider it useless to attempt to bribe commissioned officers, *ib.* 584——But they are suspected of bribing the office clerks, *ib.* The Commissariat provides for the registered camp-followers, *ib.* 626——It has nothing to do with the horse studs, *ib.* 594——In the Affghan war the army was remarkably well supplied by the Commissariat, particularly the Bengal army, *Cotton* 319. 321——Nothing could be better, *ib.* 321——Reason of the deficiency in the Bengal Commissariat during the Affghan war, *ib.* 324, 325——It was very difficult to supply the army in Affghanistan, even if the contractors had been honest men, *Pollock* 436——The army under Lord Gough's command was never one day without regular provisions, *Viscount Gough* 761——It always furnished grain for the camels when required by the commanding officer, *Viscount Melville* 1316-1319——In the field the army is supplied by the Commissariat with rations, *Pollock* 432——But the soldier may take his money instead of the provisions, *ib.* 433.

Steps taken by the Commissariat Department in order to supply an army going into the field explained, *Burlton* 543 *et seq.*——The Government cattle are all fed and provided for by the Commissariat, *ib.* 544. 571——But not the hired cattle, *ib.* 571——The cattle for the private carriage of officers and men are obtained by the Commissariat officer, who then hands them over to the commanding officer, tells him what the hire is to be, and after that has nothing further to do with them, *ib.* 545——Manner of supplying provisions to an army in the field explained, *ib.* 552 *et seq.*——The Commissariat officer refers to the commissary-general, who obtains the orders of the Government as to the amount of supplies required, *ib.* 553——He would then obtain the supplies chiefly by employing his own native agents, *ib.* 554——Who receive monthly pay for their services, *ib.* 555——One great difficulty in the Commissariat Department is having to furnish large supplies without previous notice, *ib.* 588.——The supply of the Queen's and the other European troops is the most difficult part of the Commissariat officer's duty, *ib.* 610.

The Commissariat system is bad, the Government is plundered in a most awful manner; there is no control over it, *Pollock* 408——It is almost all left to the native contractors, *ib.* 409——And there ought to be more European control over them, 410——It has been very much abused, but never noticed anything wrong about it, *Viscount Gough* 762——It is on a very bad plan, *Napier* 878——Objections to the system of always taking the lowest tender, *ib.*——The supplies were bad almost without exception, *ib.*——A great deal of fraud goes on in it, *ib.* 887——On the part of the English, *ib.* 889——Frauds, such as described by Sir George Pollock, arise where there was no baggage corps or officer in charge, *Viscount Melville* 1331——There ought to be more non-commissioned officers brought into the Commissariat, *Pollock* 428——The officers are capable of undertaking it, but the native agency is bad, *ib.*——You cannot altogether get rid of the native contractors, *ib.* 429. The Commissariat would not be better conducted by civilians, *ib.* 438——Would prefer civilians; the military men would then be doing duty with their regiments, *Napier* 887—— More discretion should be left in the hands of the commissary-general, *Burlton* 586.

As to financial detail, the present system is as good as can be; open contract and open competition, *ib.* 643——With a view to the improvement of the Commissariat service, would recommend making the head responsible only to Government, would place more trust in the officers, and get rid of the heaps of petty vouchers which are now required, *ib.* 574——It ought to be under a commissary-general, and not under a military board, *Napier* 879——It would be better if filled by a civil department, as in the Queen's service, *Alexander* 973——By appointing a young officer to the service, he loses great opportunities of acquiring military knowledge and tone, *ib.* 975——The magisterial duties of the department ought to be put into other hands, *ib.* 1003.

Commissariat Accounts.—Commissariat accounts are audited by Military Board, *Burlton* 535——There is no previous audit by the commissary-general, *ib.* 536——He does not even see them; they are examined by clerks in the commissariat branch of the Military Board, and then circulated among the members of the Board, *ib.* 537——Explanation of the way in which the commissariat accounts are sent in and examined, *ib.* 538——The only examination of them is the audit of the Military Board, *ib.* 541——Examination of them by the commissary-general, instead of by the Military Board, would save a great deal of trouble, *ib.* 648, 649——The Military Board take the accounts on the credit of professed accountants, *ib.* 650, 651——Who are European uncovenanted servants and natives, *ib.* 652, 653——The accounts are sent home in the abstract, *ib.* 655——And full statements are sent in every

Reports, 1852-53—*continued.*

COMMISSARIAT—continued.

every month, *Burlton* 656——An average is struck by each officer on closing his monthly account, showing the expense of feeding every man and beast, *ib.* 657——The Affghanistan Commissariat accounts are not yet settled, *ib.* 580——One of the greatest evils in the department is the length of time which elapses before the accounts are closed, *Napier* 892——The accounts are audited by persons under the Military Board, *Viscount Hardinge* 2020——At Calcutta, *ib.* 2021——Upon documents; but the delay of passing them through the Miliary Board had better be done away with, *ib.* 2022——There are instances in which the army accounts have been postponed for years, *ib.* 2023.

Commissariat Contractors and Contracts.—Commissariat contractors are appointed by the Military Board, *Pollock* 419——Has known the natives offer large sums for the situation, *ib.* 430——Explanation of the way in which commissariat contracts are made, *Burlton* 529——In the field they are advertised for in English, Persian, and Hindooe, in the papers, *ib.* 557——And by issuing notices which are posted up at the tannahs, *ib.* 558——Very little proclamation is required, *ib.* 559——At times there is very great competition among the contractors, *ib.* 560——The tenders are generally sent in sealed to the commissary-general, who submits them to the Military Board for approval, *ib.* 562——In the field he would, if necessary, sanction them himself, and report having done so, *ib.* 562——The lowest tender is generally taken; it is the rule, *ib.* 563——And on the whole the contracts are generally well performed, *ib.* 564. 569——The profits are not so large now; many contractors have been great losers, *ib.* 565——They give security, either in cash or Company's paper, *ib.* 568——There are generally eight or ten tenders for each contract, *ib.* 567——When troops are moved in time of peace the supplies are furnished by the contractor's agents with the regiment, *ib.* 611——The contractors generally furnish their own carriage, *ib.* 612.

Manner in which the contractors are paid, and the money furnished to the commissary explained, *ib.* 615-617——In cases of ready-money payments, if there is any error discovered afterwards, it is deducted from the contractor's security, if he is a defaulter, *ib.* 619——It is recovered by the Commissariat officer, *ib.* 622——The security remains in the hands of the Government until the accounts are finally closed, *ib.* 580, 581. 623——But the contractor receives interest upon it, *ib.* 624——The supplies are generally obtained by contract, but sometimes by Koosh Khareed, *ib.* 637——Most of the natives make money by their commissariat contracts, but not large fortunes; they are honest from policy more than from principle, *Burlton* 658——The contractor's security is not enforced when there is a defalcation; it is worth their while to run the risk, *Napier* 880——Severe punishment alone can remeby the evils, *ib.* 880, 881.

Commissariat Department.—Assuming peace to be the permanent state, and war the state of exception, the department is sufficient for its peace duties at fixed stations; but it is quite inadequate for field operations; it is a department simply for peace, and when enlarged on the breaking out of war, it is enlarged, not by European officers, but by contractors and agents hired by the Government, *Viscount Hardinge* 2018——It is nominally under the Military Board; a worse arrangement could not be made, *ib.* 2019——Is not aware of any abuses in the department, *ib.* 2024——The charges against the Commissariat are more applicable to the native commissariat; European officers are seldom found deficient in integrity, *ib.* 2028——Thinks the troops were properly supplied according to the contracts, *ib.* 2029——Commissariat, how provided for on the advance from Umballah to the Sutlej, *ib.*——Would recommend a department by itself, not attached to the military or any other Board, throwing the responsibility upon the head of the department, *ib.* 2030——Would have it composed of military officers, *ib.* 2030.

Commissariat Officers.—The commissary-general is a member of the Military Board' *Pollock* 420——He is an officer in the service, 423——Receives a copy of each officer's account current every month, *Burlton* 536——Duties of the commissary-general described, *ib.* 539——He does not examine the details of the accounts and vouchers, *ib.* 540——The commissary-general was formerly responsible to Government alone, and not under the orders of the Military Board in Madras, and in Bengal also, *ib.* 575——When he became a member of the Military Board, his salary was put on the same footing with rest of the Board, *ib.* 602——It would be an improvement if he were not tied down to Calcutta with the Board; he should move about the Presidency, *ib.* 603.

Commissariat officers are European officers in the Company's service; they have native establishments under them, *Melvill* 233——Appointed by each officer, *ib.* 240——Their appointments are considered as permament until the attainment of a certain rank, when they must return to the regimental duties, *Melvill* 234; *Burlton* 526——Dependent upon rank in the Commissariat, *Melvill* 235——Retirements on attaining the stated rank are not frequent, *ib.* 236——Field officers must vacate their appointments unless they have obtained the rank of commissary-general, deputy commissary-general, or first assistant, *Burlton* 526——Commissariat officers are paid exclusively by salary; they are strictly forbidden to participate in the profits, *Melvill* 238——The natives employed in the Commissariat are not formed into a regular corps; they are appointed by the Commissariat officer, 239, 240——The European commissaries are appointed by the Government in India, *Pollock*

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COMMISSARIAT—*Commissariat Officers*—continued.

411-413——They are taken from the army generally, and must know the language, *Pollock* 412——To have passed an interpreter's examination is a necessary qualification for the Commissariat, *Alexander* 968——They rejoin their regiments when ordered on service, *Pollock* 414-418——Does not think that an officer is inefficient when he rejoins, *ib.* 417——When once an officer gets into the Commissariat service, he remains there, and generally rises in the service, *ib.* 416.

It is the duty of the Commissariat officer to see that the public cattle are properly looked after, and not overloaded or ill-treated, *Burlton* 549——They generally feel that they are treated with suspicion, as if they were dishonest, *ib.* 574——Does not recollect any instance of actual dishonesty being imputed, *ib.* 585——Statement of the allowances of the different grades, *ib.* 601——They draw their regimental allowances also, except the commissary-general, *ib.* 602——The Commissariat officer is always a Government contractor, *ib.* 621——There are very zealous and effective officers in the Commissariat, but they are not sufficiently under the control of the Commander-in-Chief in the field, *Viscount Gough* 762——They have charge of the police, though nominally the officer commanding is at the head of the police; all the power and influence is in the hands of the Commissariat, *Alexander* 1216.

Commissariat Vouchers.—Commissariat vouchers are almost innumerable, and a great many required from the officers are unnecessary and useless documents, *Burlton* 542——They are so very numerous that it is difficult to describe them, *ib.* 576——Cases referred to in illustration of the existing system, *ib.*——Would dispense with many of them, *ib.* 644——Trusting to the officer's declaration as to the accuracy of the account in regard to small items, *ib.* 646, 647——Except for payments made, Commissariat vouchers are so much waste paper, *Napier* 892.

See further *Abkarry. Baggage. Bullocks. Camels. Camp-followers. Carriage. Cattle (Public). Staff.*

Commissioner of Revenue. He is now relieved from his magisterial duties, *Duff* 4207——He is generally the best officer in the district, but has very little to do with the police, *Wise* 5293——The remark, however, only applies to Bengal, *ib.* 5294——Would give him, in addition to his present duties, the duties of the sessions, *ib.* 5297.

Commissioner of Revenue and Superintendent of Police. Nature of his duties, *Torrens* 8425.

Commissions. Believes the best commission to be a very bad head for an executive department, *Kennedy* 7654——As a deliberative body, a commission may be useful, 7654——Of all commissions, that for managing Public Works in India, the Public Works Committee of the Military Board was the worst, 7654, 7655.

Commissions in the Army. Are granted to warrant officers of long and meritorious service, also to non-commissioned officers who have distinguished themselves in action, *Melvill* 177.

Competition. Does not object to the system of competition for appointments, *Wilson* 7308.

See further *Civil Service.*

Concan. Many recruits from this district join the Bombay army, *Sir W. Cotton* 329——They are small men, but exceeding good soldiers, *ib.* 331——And not peculiar with regard to caste, *ib.* 332.——*See* also *Army. Recruiting.*

Confessions. The system of extorting confessions from innocent persons is notorious in Bengal, *Duff* 4225——Such cases are very numerous; they are said to be nearly one-half the cases brought before the magistrates, *ib.* 4228.

Conker. Roads are formed of conker; it is very durable, *Caldecott* 5537.

See also *Roads.*

Contingents. The contingents amount in the aggregate to about 32,000 men, *Melvill* 41——The only European officers are those lent from the Company's army, *ib.* 42.

CONVERSION AND CONVERTS:

Conversion of India to Christianity.—Is of opinion that it will take place in a wholesale manner when society has become saturated with Christian knowledge, *Trevelyan* 6858——And it will decidedly be more aided by adhering to the principle of neutrality than by any direct interference on the part of Government, *ib.* 6859——There are many agencies at work in the Bombay Presidency for the conversion of the natives, *Right Rev. Bishop Carr* 8144——There are five missionary societies, *ib.* 8145.

Is of opinion that conversion to Christianity is making great progress in India, *Keane* 7983——Grounds of such opinion, *ib.* 7984——Has not made much progress in the North-western Provinces; but the little shown there is of a very superior order, *ib.* 7988——Some few

conversions

Reports, 1852-53—*continued.*

Conversion and Converts—Conversion of India to Christianity—continued.

conversions were effected by the lectures which were established to neutralize the mischief produced by the system of education at the Hindoo College at Calcutta, about the end of 1832, *Duff* 6102, 6103. 6106——Nearly as many of the well-educated converts have come from the Hindoo and Government institutions as from the missionary seminaries, *Trevelyan* 6804——The majority able to offer the best assistance to Christianity were from the Hindoo College, *ib.* 6858——The general opinion in India is, that they are as numerous from Government institutions as from missionary schools, *Wise* 7076——They are more numerous from the Hindoo College than from Dr. Duff's school, *ib.* 7067——Does not think conversions a fair criterion of the success of schools, and why, *Tucker* 8283.

In cases of conversion the wife, if left alone has generally come and joined the husband, *Duff* 6180——Great complaints and great difficulties often occur, in cases of conversion, between husband and wife, *ib.*——The difficulty is to ascertain the mind of the wife, *ib.* 6181.

Converts.—Converts have been more numerous at Kishnagur than at Calcutta, *ib.* 6137. 6150——Have been numerous at Tinnevelly, in the Madras Presidency, *Duff* 6150; *Bird* 7166——At Travancore have suffered much from the corrupt nature of the Government, *Tucker* 8239——Not so numerous from among the Mahomedans, *Duff* 6154——Is not aware of any from among the Mahomedans of Southern India, *Tucker* 8294.

Converts of every class have been greatly neglected, *Bird* 7125——The duties and responsibilities of Government towards the native Christians are not at present discharged, *ib.* 7127——But for the Act of 1850 converts would forfeit their property, *Duff* 6127——Effect of that Act, *ib.* 6132, 6133——Should neither suffer disadvantage nor obtain any benefit from Government for professing Christianity, *Marshman* 6514——They become outcasts among their own people; but their high attainments and character continue to command very general respect, *Duff* 6153——Has never known a case among converts of high caste, in which it could be alleged that there was any mercenary motive at work, *ib.* 6159——But there is not the same security at the outset with respect to low caste converts, *ib.* 6162——A stricter church discipline is exercised over Christian converts in India than is usual in European communities, *Right Rev. Bishop Spencer* 8394——The converts in India amount to 100,000, excluding the Armenians, Syrians, Coptics, and Roman-catholics, *Keane* 7984-7986——Never knew but one convert from those educated in the Government schools in the Madras Presidency, *Tucker* 8280——But there are more than forty from the missionary schools, *ib.* 8281.

See also *Christianity. Education. Hindooism. Lex Loci, or Liberty of Conscience Act. Missions and Missionaries. Missionary Schools. Religion. Religious Instruction. Toleration.*

Convicts. Might be usefully employed in performing the tunneling operations required by the Bombay Railway Company for ascending the Ghauts to reach the Deccan, *Kennedy* 7600.

Convict Labour. It is very good labour, and if properly applied, capable of producing very important results, *ib.* 7603——The result of an experiment of employing convict labour on the public roads was extremely satisfactory, *Sims* 8771.

Report from the Board of Works at Madras on employing convict labour in the construction of public roads, *App.* (B.) *Third Report.*

See also *Public Works. Railways. Roads.*

Coolies. An educated cooly, going to the Mauritius, would immediately become a sirdar, *Marshman* 6405——Sirdar coolies generally make a little fortune while on the island, *ib.* 6406.

Corporal Punishment. The sepoys, and particularly the native officers, were strongly averse to the abolition of corporal punishment, *Alexander* 1156——The abolition of it, and the substitution of other punishments, worked badly, *ib.* 1157——The substitution of hard labour in lieu of it told most oppressively on the native army, *ib.* 1154——It was ruin to an old sepoy, *ib.*——It was the disgrace of being classed with felons on the public works that operated on the mind of the sepoy, *ib.* 1161——After the expiration of the sentence, the sepoy was dismissed the service, *ib.* 1159. 1165——It was often a painful duty to sentence a man to imprisonment and hard labour, because there was no alternative, *ib.* 1162——A man would not be obliged to leave the regiment in consequence of corporal punishment, unless condemned for disgraceful conduct, *ib.* 1164——Corporal punishment has been the custom in the Indian army from time immemorial, *ib.* 1167——Was very severe in Sir Eyre Coote's time, *ib.* 1168——Corporal punishment has been restored by the new articles of war, *ib.* 1158.

Can scarcely be said to exist as a secondary punishment, *Halliday* 3511——In the native states they mutilate the body, *ib.* 3513.——*See* also *Army. Sepoy.*

Correspondence. Evidence relating to the amount of the correspondence of the Governor of Bombay, and the way in which it is conducted, *French* 8971 *et seq.*——It is admitted on all hands that it is unnecessarily multiplied backwards and forwards from one Board to another, *ib.* 8996.——*See* also *Bishops.*

Reports, 1852–53—*continued.*

Costs. Has always heard that they are much larger in the Supreme Court than in the Sudder Court, *Reid* 2884——Are drawn out from the papers and appended to the decree, *ib.* 2867——Table of costs, how fixed, *ib.* 2868, 2869.

Statement of costs in suits for money claims, and in claims for landed property not exceeding 300 rupees; and in suits not exceeding 1,000 rupees; also in suits above 1,000 and not exceeding 5,000 rupees; and in suits about 5,000 rupees value and upwards, *App.* (B.) *First Report, p.* 660 *et seq.*

Costs of appeals from moonsiffs to judge or principal sudder ameen, and from sudder ameens to judge, distinguishing claims for money from claims for real property, *App.* (B.) *First Report, p.* 670; also from principal sudder ameens to judge, *ib. p.* 676.

Statement of costs in original suits of sudder ameen and principal sudder ameen from 300 rupees and upwards, *ib. p.* 674.

Statement of costs of litigation in an original suit, and in a case of special appeal in the Sudder Dewanny Adawlut, *ib. p.* 678 *et seq.*

See also *Administration of Justice.* *Appeal Courts of Justice.*

Cotton. Natives must be compelled, assisted, and induced to grow it until they find it profitable; they will then be able to grow large quantities, *Wise* 5337——Would compel them to it by advances, *ib.* 5338——Climate and the soil of Dacca is favourable to its growth, *ib.* 5360——With facilities of conveyance, *ib.* 5363——The cultivation of it is very small now, *ib.* 5330——The land-tax does not obstruct its cultivation in the Dacca district, *ib.* 5362——The Government agent at Dacca was unsuccessful; and also afterwards at Assam, *ib.* 5334——It is not so profitable as indigo, *ib.* 5352. It is not much cultivated in the Saugor and Nerbudda district, *Caldecott* 5521——That embarked at Mirzapore comes mainly from the south, *ib.* 5523, 5524——The great obstacle to the supply of cotton from the interior is the want of any system at all of inland communication, *Crawford* 1851——The expense of carriage is the principal drawback to the Indian cotton, *ib.* 1858——The quality is not so good as the American, *ib.* 1859. 1879——The mode of preparing it is very inferior to the American, *ib.* 1860——A better kind has been prepared since the East India Company sent some American cotton planters to the cotton districts, *ib.* 1865——It is generally cleaned by the churka, *ib.* 1867——But the American gin has been introduced to a considerable extent, *ib.* 1868——The price of Indian cotton is lower in the market than the American, *ib.* 1880——It probably never will supersede the American, *ib.* 1882.

Evidence as to the dirty state in which it arrives at Bombay, *Crawford* 1885——At Bombay it is sold by sample, *ib.* 1886——It is cleaned at Bombay, but not in a minute way; such things are removed as the hand can take, *ib.* 1890——It becomes a question of cost whether it is better to clean it at Bombay, or to trust to the machinery of this country, *ib.* 1889. 1891——Only a small portion of the superior quality is required for the market, *ib.* 1897——Cotton has to travel 300 or 400 miles to Bombay, and is usually three months on the journey, *ib.* 1898, 1899——That from Guzerat comes 250 miles by boat, *ib.* 1921——Between January and May, *ib.* 1900——The best cotton comes from the Guzerat districts, *ib.* 1909.

The American experimental farms proved the possibility of producing a fine sample of cotton, *Crawford* 1910–1912——They have been abandoned, *ib.* 1913——The cotton crop is not uncertain; but it is affected by the frost very easily, *ib.* 1915——On the average about as much is sent to China as to England, *ib.* 1916——The better kind of cotton suits the China market, *ib.* 1918——There are half a dozen people between the grower and the buyer, *ib.* 1922——It is supposed that Indian cotton properly cultivated is better than American cotton cultivated in India, *ib.* 1926——The staple is shorter, *ib.* 1927——But it is of very little consequence, *ib.* 1928——Would not wish to supplant the American commerce in cotton with this country, *ib.* 1931——Believes that any quantity of cotton of a suitable quality that India could send would be taken in this country, *ib.* 1933——The Egyptian cotton bears a higher price here than the Indian; it is of a superior quality, *ib.* 1937——In Guzerat the cotton plant is grown in rotation with other plants, *ib.* 1938. 1940——Its cultivation in the Deccan might be much extended, *ib.* 1938——Believes that the cotton crop comes in every second year, *ib.* 1941.

It does not appear that there has been any increase in the export of cotton resulting from the experiments by the American planters, *Thornton,* 7533——The proportion exported to England has varied fifty, sixty, and seventy per cent. without affecting the total export, *ib.* 7533, 7534——Statement of the export of cotton 1844-45 to 1849-50, *ib.* ——The inference is, that India can export no more at a profit with present means of communication with the ports, *ib.* 7355——The same argument applies to the price of salt, *ib.* 7536. 7560——With respect to the transport of cotton from the interior, a road is of no consideration when it is carried on bullocks, *French* 8935——But it is very important when it is pressed up the country, and carried in waggons, *ib.* 8935——Way in which it is often shipped at Broach described, *ib.* 8941. The best way for the cotton of Berar and Candeish to reach the coast is to go to Surat down by the Isabarry Pass, *ib.* 8947. 8961——A great part now goes to Mirzapore, the remainder comes to Bombay, *ib.* 8949——Tippera district produces about 2,000,000 pounds of clean cotton; it might be much extended, and an improved kind grown there, *Wise* 5319——It fetches about

Reports, 1852-53—*continued.*

Cotton—continued.

about 1½*d.* a pound clean; in the neighbourhood of Dacca about 3¼*d.* a pound, *Wise*, 5320——It is cleaned by a machine called a cherk, but contains a great deal of dust and seed, *ib.* 5326, 5327——It is short and woolly, *ib.* 5323. 5332——The unfavourable way the law bears upon Europeans generally tends to discourage its growth, *ib.* 5356.

Remarks on the cultivation of cotton in India, with map illustrating the cotton districts, *App.* (C.) *Third Report, p.* 161——Return of the quantity of cotton exported from India to Great Britain and other places; showing also the total imports into Great Britain, together with the prices of Indian and American cotton at Liverpool in each year from 1834-35 to 1849-50, *p.* 165.

See also *Public Works. Railways. Roads.*

Cotton Twist. Is sent out from this country to Dacca, *Wise* 5317.

Cotton, Lieutenant-General Sir Willoughby, G.C.B. Witness has served for a considerable time in India, 309——In the first instance in the Bombay Presidency, 310——Was then a Colonel, and was ordered to Rangoon when the Ava war broke out, 311——Was placed in the command of the Madras troops, *ib.*——On the army of the Indus being formed was appointed to command the first division, *ib.*——After Sir J. Keane left, had the command of the army in Affghanistan, until relieved by Major-General Elphinstone, and then proceeded to England on sick leave; was appointed Commander-in-Chief of the Bombay Presidency in 1846, and when Sir William Gomm was appointed to succeed Lord Gough, witness applied to be relieved, *ib.*

Bengal troops were in very good order in the Ava campaign, 314——No troops could behave better than the Madras in the Ava campaign, though they suffered severely at first, from sickness and want of provisions; the want of provisions was remedied by Sir Thomas Monro, the Governor of Madras, 316——Native troops always behaved admirably in the Affghan war, except once, when the 2d Bengal cavalry refused to charge, 317——It was just before Dost Mahomed was taken, the day before, 318.

The Bengal army, in the Affghan war, was remarkably well supplied with Commissariat, 320——The troops carried three months' provisions; depôts were formed in the Rajah of Bawulpoor's territory; nothing could be better, 321——Witness conceives that the supplies were formed by orders emanating from head-quarters, as he was told by the Commander-in-Chief and Governor-General before he marched, that he would find them; nobody could behave better than the Rajah in assisting the army, 323——The deficiency in the Bengal Commissariat was owing to circumstances which occurred in Lower Scinde, and prevented Lord Keane bringing with him the requisite quantity, thereby compelling him to draw upon me at Shikarpoor for a large proportion of the Bengal Commissariat, and after passing the Indus, Sir Alexander Burnes and his agents were disappointed in their supplies by the Khan of Khelat, 324——The authorities in Cutch Gundava did not do what they promised to do, 325.

Witness can speak in the highest terms of the discipline of the Bombay army; they will go anywhere; if alone, they fight well; if mixed with Europeans, are fully equal to any army in the world, 326——All Bombay regiments are liable to foreign service across the sea, 327. It is recruited principally from Hindoostan and the Concan, 329——Castes never interfere with the army, 330. 332——Bengal men are a finer men to look at, 331——The Concan men are very small men, but very good soldiers, *ib.*——Bengal men of the Purdasee caste are preferred, 332——The foot soldier has generally been a cultivator of the ground, 370. The cold is intense about Affghanistan, and poostoons or sheepskin jackets were given to the troops, and that prevented their suffering from cold, 333.

On arriving at Bombay, witness found several native regiments very sparingly officered by European officers; it was the greatest difficulty to get more than two captains with a corps; sometimes there was only one; is of opinion that the order of the East India Company with regard to the number of officers present with their regiments should be particularly attended to 334——When a regiment takes the field, all captains on the staff are immediately ordered to join, 335——Also all subalterns, and they do join, 339——Is of opinion that there ought never to be less than two effective captains with a regiment, 335. 342——Would be satisfied with an officer of each company, the commandant and the adjutant, 337. If the Company's regulations were adhered to there would be a sufficient number of European officers, 338——One field officer and two captains ought always to be present by the Company's regulations, 339——That does not include the adjutant, 340——Witness complains not of the small number of officers, but that those present are juniors, 343——Officers taken away are mentioned by the commander to the Government, *ib.*——And as long as an officer so removed does his duty satisfactorily he retains his appointment until his regiment is ordered on service, 344——Witness would never allow an officer to hold an appointment connected with roads, tanks, or revenue, unless he had passed in the languages, 343——In Bombay all appointments relating to the revenue, &c. emanate from Government, 346——Appointments in the Judge Advocate's Department are with the Commander-in-Chief, 348——The commanding officers of

Reports, 1852–53—*continued.*

Cotton, Lieutenant-General Sir Willoughby, G. C. B.—continued.

regiments have nothing to do with the appointments; the Governor sends the names of certain officers, and asks if the corps can spare them; sometimes the Commander-in-Chief writes to say, that the full number of officers allowed are absent, then if the appointment is pressed, the Governor makes what is called a special case, 349——Before an officer is removed, the Secretary to the Government writes, by order of the Governor, to say that such an officer is particularly fitted for a certain appointment, if the state of the corps will allow it, 350——Irregular corps are filled up by recommendations from the Governor; the adjutant and second in command by the Commander-in-Chief, 347——The irregular horse are a most efficient and useful arm of the service, 351——A large army must always have a proportion of regular cavalry, but thinks that every general officer would try to have as many irregular horse as could be spared to him, 352——Cannot state the comparative expense of regular and irregular horse, 353——Poonah horse are about thirty rupees a month, *ib.*——The officer appointed to command the irregular cavalry selects the men, who keep themselves and horses for so many rupees a month; he is answerable for the men he selects, and men are always to be found fitted for such corps, 369——They are men of better families than the foot soldiers generally, Mahomedans, 371.

The native is from his infancy used to the sabre; he cannot cut with the straight sword; is of opinion that it would be of the greatest advantage to get rid of the straight sword, 353——The natives also complain of the saddles, 354——Our saddle does not suit them, and the straight sword does not suit them; it is too heavy, 355——They do not like the mode of riding common in European regiments, 356——They would be more effective if left to the system they are accustomed to, 357——Thinks it would be of advantage to the service to adopt the native mode of riding and native arms, 359. Considers the artillery service to be most efficient, 358.

Witness considers the Medical Department perfectly efficient; every regiment was fully supplied with medical officers, 361——Both European and native regiments, 362——European corps have three assistants, and natives two, though there is generally only one, 363——Never heard any complaint against the native assistants or native apothecaries; believes that they are very efficient, 364——Has always heard that Hindoos are very efficient as surgeons; the apothecaries are very attentive in every way, 365——Every proper feeling is shown to them by the authorities, 366——The full establishment is kept up to every regiment, 367——Never knew an instance where there was a deficiency of European medical officers, 368.

Council. How at present constituted, *Ryan* 2478.

Court of Directors. Have power to direct the Indian Government not to adopt Acts without their sanction, *Hill* 2160-2162——They can disallow any acts done by the native government, *ib.* 2200, 2201——Have power to stop legislation, *Perry* 2770, 2771——Are considered by Europeans in India to have great practical bearing on the affairs of India, *ib.* 2787-2792. Towards the close of the last century, gave their sanction and encouragement to the Protestant schools established by Mr. Schwartz, at Tanjore, *Duff* 6249——Opinion on the subject of education in science in languages more practically useful than the ancient languages of India or Persia, as contained in their despatch of 1824, *Trevelyan* 6621. Their appointments of chaplains, on the whole, are very good, *Right Rev. Bishop Spencer* 8379. Opinion of the Court of Directors upon the substitution of porter for spirits on the voyage to India, *Melvill* 156——Could order the alterations in the service suggested by Sir C. Napier, *Napier* 830——In the present day, the Court of Directors never send out officers, appointing them to divisions, *Alexander* 990——Are always supposed to be hostile to improvements, *Perry* 2776——Did not find much delay in receiving answers from the Home Government to communications respecting army matters, *Viscount Hardinge* 2048.

See also *Charter Act,* 1833. *Government. Legislation.*

Courts Martial. By the new articles of war, the Soubahdar Major must preside at all regimental courts martial, *Alexander* 1137——Native and European officers do not sit together upon the same court martial, *ib.* 1139——The sentences of native officers have exactly the same effect as those of European officers; native courts martial, how composed, *ib.* 1141——They are very satisfactory, and arrive at very good decisions, *ib.* 1151——They are conducted according to the European rules of evidence, *ib.* 1152.

Courts Martial (Naval). Since the last naval code, are almost always formed entirely of Company's officers, *Powell* 1518.

Courts of Justice:

Amalgamation of the Supreme and Sudder Court.—Amalgamation of the Supreme and Sudder Courts was suggested in 1829, *Ryan* 2356——It is desirable to carry out the scheme then suggested, *ib.* 2431——Views upon the subject, *ib.* 2431-2434——It is desirable but difficult to suggest any scheme apart from a large organic measure, *Perry* 2531——Would be very advantageous, *Halliday* 3367——Would have no objection to admitting an eminent native to sit in the amalgamated court, *ib.* 3368. 3371——On the whole advantageous, but there are difficulties in the way, *Hawkins* 4346——Difficulties,

and

Reports, 1852-53—*continued.*

COURTS OF JUSTICE—*Amalgamation of the Supreme and Sudder Court*—continued.

and the advantages stated, *Hawkins* 4347——Might be brought about if we had one code of law for all India, *Duff* 4211——Objections to the amalgamation of the two courts, *Willoughby* 3047. 3049. 3053——Would not be desirable while the judges are appointed as at present, *Campbell* 3941——Would not work well, *Baillie* 4024.

Supreme Court.—Supreme Court of Judicature is the principal court at each Presidency town, *Hill* 2091——How constituted, *ib.* 2091, 2092——Its jurisdiction defined; all British subjects within the Presidency are subject to its jurisdiction, *ib.* 2093——The law administered in it is generally the law of England, but in certain cases it is the Mahomedan and the Hindoo law, *ib.* 2104. 2107——The judges are sent from England, and appointed by the Queen's Commission, *ib.* 2108.

In 1829, Sir Charles Metcalfe recorded a Minute in the Secret Department, complaining of its jurisdiction, *Ryan* 2356——The natives object to its proceedings as tyrannical, *Lushington* 4563——Its jurisdiction over magistrates is as dangerous as anything can be to the police of the country, *Lushington* 4564——Inconvenience of its interference with the magistrates, *ib.* 4564 *et seq.*——Has acted in defiance of the Act 16, of 1850, protecting him when acting *bonâ fide* in his official capacity, *ib.* 4564——It is regarded with dread by the magistrates, on account of the expense of proceedings in it, *Marshman* 5152. 5166——And too often by the natives, as a kind of antagonist to the Government, *ib.* 5167.

In point of fact, it is a native court, *Perry* 2558——Has given satisfaction in administering the native law, *ib.*——Though there are objections to it, it has been most satisfactory to the public; the natives appreciate and esteem it, *ib.* 2529——At Madras, is quite satisfactory, *Hyder Jung Bahaudoor*, 4636——Is satisfied with the way in which it administers justice, *Hafiz Suderool Islam Khan* 4772——The people are satisfied with its judgments, *ib.* 4773. Is not more popular in the interior than the Company's Court, *Willoughby* 3211——Is exceedingly unpopular in the North-Western Provinces; the natives entertain a fear of it; an aversion to it, *Lushington* 4556——The little they know of it is not calculated to improve their opinion of it, *ib.* 4557——The fear of it operates favourably upon the magistrates, *Wise* 5403——It is no impediment in the way of justice, *ib.* 5407.

Is not a favourite with the Court of Directors, *Perry* 2763——Suggestions for improvements from the Supreme Court, have been received very coldly, *ib.*——The proceedings in it are in the English language, *ib.* 2559——The expensive system of England is applied to a much poorer population, *ib.* 2735——It acts upon the system of the English law, *Halliday* 3353. The expenses of litigation have been diminished, but they are still too heavy, *Perry* 2732——Are much heavier than in the Mofussil Courts, *ib.* 2733——Costs are much larger than in the Sudder Court, *Reid* 2884——It is a very costly court of law, *Willoughby* 3050——Is much more costly than the Company's Courts, *Halliday* 3358——Its decisions are arrived at more rapidly than in the Mofussil Courts, *Perry* 2733——The merits of the case are chiefly regarded in its decisions, *Reid* 2855——The fees are taxed as in this country, *Perry* 2736——The officers are paid partly by fees and partly by salaries, *ib.* 2743——A reduced table of fees introduced at Bombay, was appealed against to the Privy Council, but believes that it has been sanctioned, *ib.* 2766——The restriction of the appointment of Europeans to the Appellate Courts has produced a great evil, complained of all over India, *ib.* 2706——Never heard of natives practising at its bar, *Millett* 2331——Has known a party brought from Calcutta, from under the jurisdiction of the court, to attend the magistrate's cutcherry, but it may have been done by an order got through the Supreme Court, *Wise* 5411.

Company's Courts in general.—The administration of justice in the Company's Courts at Bombay is not satisfactory, *Perry* 2656——The judicial system of the Company is extremely defective, *ib.* 2580——How to be remedied, *ib.*——The remedy depends upon an organic change in the system of Government to be framed in this country, *ib.* 2569. 2593——Because it involves the question of patronage, *ib.* 3570. Generally the cases in the Company's Courts have been sifted with very great labour, and great attention has been paid to them, *Pemberton Leigh* 2784——The laws administered in them stated, *Baillie* 3991. Claims are not properly decided upon in them, *Hafiz Suderool Islam Khan* 4774——The delay and expense is complained of, *ib.* 4776——And the stamp duties, *ib.* 4783——Litigation in the Company's Courts lasts longer than in the Supreme Court; the suitor has so many appeals, *Perry* 2733——Proceedings in them are very dilatory, *Baillie* 3972——Has heard complaints of the delay and of the appeals, *Hyder Jung Bahaudoor* 4637, 4638.——The natives complain extremely of the artificial system which prevails, *Campbell* 3801——The pleadings are ill adapted to bring the parties to an issue, but the judge may question the parties as to the point in dispute, and settle the issue, *Baillie* 3975——Suggestions for the improvement of the practice, *ib.*

Sudder Dewanny Adawlut.—The judges were formerly divided into judges and temporary judges, *Hawkins* 4357——There was formerly a chief justice, which answered very well, *ib.* 4359——But it was done away with in Lord W. Bentinck's time, *ib.* 4361——

Reports, 1852-53—*continued.*

COURTS OF JUSTICE—Sudder Dewanny Adawlut—continued.

The senior member of the Court does not take a sort of precedence, *Hawkins* 4362——The present substitute for a chief justice has been in existence about fifteen years, *ib.* 4362, 4363——Functions of the member of Government the ex officio chief judge, *Willoughby* 3041——The only recommendation of the system is, that it occasionally provides a fifth judge without any increase of expense to the state, 3042——Formerly the written pleadings were all in Persian, and oral pleadings generally in Hindostanee, *Baillie* 4005. 4021-4023——At Calcutta the greater part of the cases are now conducted in English, *Halliday* 3345——At Agra the judges endeavour to assimilate their practice to the Court at Calcutta, *Lushington* 4428——Difficulties arise from the distance the parties in India sometimes reside at from the Sudder Courts, *Reeve* 5570.

There are fewer reversals of their decisions than of the Supreme Courts, *Reeve* 5583——The Sudder Court judges are apt to reverse decisions upon the ground of informality, *Hill* 2254——Technicalities are encouraged in the Company's Superior Courts, *Lushington* 4413——The natives have the greatest aversion to them, *ib.*——Cases illustrative of the abuse of technicalities, *ib.* 4414. 4420. 4423——It has the effect of spreading the system all over the country, *ib.* 4435——Was not aware of the extent to which they are regarded until appointed to the Sudder Court, *ib.* 4436——There was a great deal of technicality in it; each man seemed to have a technicality of his own, *Baillie* 4088——Has power to to rectify informalities where not essential, *Lushington* 4432——The greater number of appeals from their decisions have been affirmed, *Ryan* 2424——At Bombay one of the judges is always on the circuit, *Halliday* 3370——The addition of a professional man is indispensable, *Perry* 2532——A good barrister in the Supreme Court might be appointed, *ib.* 2537——Can only recollect one instance of a person being appointed to the Sudder Court without having had previous training, *Willoughby* 3212. Is desirous of seeing a well-chosen and sufficiently paid native judge appointed, *Halliday* 3325——Would like to see it, but doubts if it would tend to the efficiency of the service, *Hawkins* 4303——There are very full reports of the decisions of the Court, *Baillie* 4090——A digest of them has recently been published in India, *ib.* 4100. The Sudder Dewanny is preferred by Europeans for the trial of their causes to the Supreme Court; it is less expensive and more speedy, *Wise* 5401.

Instructions sent to the Bengal Sudder Court on the subject of technicalities, *App.* (A.), *First Report, p.* 659.

Native Courts.—The native courts do not act upon the English rules of evidence, *Pemberton Leigh* 3785——The native courts are courts of record, *Reid* 2822——The lower courts are filled very well by native judges, *Perry* 2580——The courts in the Lower Provinces in a few years probably will be filled by Hindoos having a knowledge of English, *Halliday* 3328——In 1850 about one-eighth the number of decisions were actually appealed, *ib.* 3365——The forms of procedure in the Moonsiffs Courts are very simple, *Reid* 2818——The Moonsiffs Courts are, to a certain extent, Small Cause Courts, *Willoughby* 3273——The majority of cases are small debt cases, *Baillie* 3974.

The opinion of the native officers in the Mofussil Courts is, that they are not honest, *Perry* 2684——The natives complain of the corruption of the officers, *Lushington* 4580——Would not trust the inferior officers, *Hyder Jung Bahaudoor* 4650——There is no confidence whatever in the native subordinate officers, *Marshman* 5109——And a great deal depends upon them, *ib.* 5111——They make it their study to obtain extensive influence, *ib.* 5112——It is difficult to define their influence, though it may be said to be boundless, *ib.*——No remedy for the abuse has yet been discovered, *ib.* 5114——The system of selecting persons of a subordinate class, and appointing them at a very low salary, with a prospect of rising, has failed, *ib.* 5110——The Sherishtadar, or head native officer, is almost universally corrupt, *ib.* 5128——Opinion is very unfavourable with respect to the character of the native officers, *Edwards* 5830——They are commonly supposed to be more corrupt than the judges are, and has no doubt that that is the fact, *Cameron* 7336.

Small Cause Court.—Small Cause Courts have been established at each Presidency upon the model of the English County Courts, *Hill* 2097. 2099——If practicable, the introduction of them into the interior would be a great advantage, *Willoughby* 3272——Would like to see them extended into the interior, *Halliday* 3362——The difficulty would be the payment, &c., of the judges, *ib.* 3363.

At Calcutta:—Small Cause Court at Calcutta has worked exceedingly well, *Hill* 2100; *Halliday* 3360; *Marshman* 5096——The inhabitants have petitioned to have its jurisdiction extended, *Halliday* 3360——Up to 1,000 rupees, *Marshman* 5096——The judges are two European and one native, *Halliday* 3363; *Marshman* 5096——Was established in lieu of the Court of Requests; the procedure is very simple; the parties are confronted, and the cases are decided at a very small expense, *Marshman* 5096.

At Madras:—Has given satisfaction; it works well, *Hyder Jung Bahaudoor* 4657——The rules are very good, *ib.* 4660——But the judges have not given satisfaction, *ib.* 4661——Therefore the people prefer the Supreme Court, *ib.* 4658——There are no native judges in it, *ib.* 4668.

At

Reports, 1852-53—*continued.*

COURTS OF JUSTICE—continued.

At Bombay:—There was some delay in introducing the system at Bombay, *Hill* 2102, 2103——Has been introduced in the place of the Court of Requests, *Willoughby* 3267——Before, there was the small cause branch of the Supreme Court, conducted by the judges, on summary and cheaper principles, *ib.* 3268——The attempt of the judges of the Supreme Court to extend the jurisdiction of the small cause branch was discountenanced by the Court of Directors, *Perry* 2764. 2767-2771——The New Small Cause Court gave additional patronage to the Directors, *ib.* 2777——Doubts the legality of its foundation, and why, *ib.* 2773——Opinion at Bombay was unfavourable to the change; it was thought that the object might have been attained by increasing the jurisdiction of the small cause branch of the Supreme Court, *Willoughby* 3270.

Court of Requests at Calcutta.—Gave the greatest satisfaction, *Baillie* 4051——Its jurisdiction was enlarged, *ib.*——The judges were two English and one native, *ib.* 4052——They sat separate, and were practically three courts hearing separate causes, *ib.* 4055. 4057.

Court of Requests at Bombay.—Had jurisdiction up to 8*l.*; has been abolished, *Willoughby* 3267.

See also *Small Cause Court.*

Criminal Courts.—Description of them, *Hill* 2144——Europeans are not subject to the Provincial Courts in criminal cases, *ib.* 2152; *Millett* 2314——It is an anomaly which ought to be changed, *ib.* 2309——It is extremely inconvenient, *Hill* 2153——Excepting military men, they can only be tried at the Presidency, *ib.*——Subject is under the consideration of the Government, *ib.* 2154——Statement of what has passed upon the subject, and with reference to the compilation of a criminal code, *ib.* 2160-2185. Until very lately the judges have been almost exclusively European, *Campbell* 3799——The natives complain that there is not a sufficient supply of small courts, *ib.* 3801——Subordinate criminal courts were recommended by the Law Commissioners, *Ryan* 2452.

Political Courts of Criminal Justice.—In Kattywar, how constituted, *Willoughby* 3079——Have been established in other parts of the Presidency, *ib.*——Are guided by the spirit of the Bombay Regulations, *ib.* 3091——Decisions are reviewed by the Governor in Council, *ib.* 3092. 3094——It is part of the system, *ib.* 3100——They are not established by any law, *ib.* 3095.

Courts.—Natives esteem it a disgrace to enter a court, *Reid* 2834; *Lushington* 4538——They do not, in general, like to appear in a court of justice, *Baillie* 3976——They do not object upon the ground of having to take an oath on the Ganges water, *Lushington* 4533——They object to enter them at all, *ib.* 4533. 4538——They complain of the uncourteous treatment they receive from the officers, *ib.* 4534——Certain families are now exempt from the jurisdiction of the courts, *Perry* 2759. Of late years the practice has been introduced of printing and publishing the judgments of the judges in all the English courts, *Halliday* 3340——There is no digest of the Mofussil decisions published, *Baillie* 4101——All the decisions of the Europeans are now printed and published in English, *Lushington* 4608——Mode of deciding cases in the native courts of justice, *Lushington* 4467.

See also *Administration of Justice. Amendment. Appeal. Arbitration. Arrears. Assessors and Juries. Assistant Judge. Auxiliary Judge. Bail. Bar. Chief Justice of the Sudder Court. Circuits. Circular Orders. Civil Judge and Magistrate. Civil Procedure. Code. Collector. Costs. Depositions. Deputy Magistrate. Evidence. Fees. Futwah. Judge. Judicial Service. Judicial System. Jury System. Kazee. Law. Law Commission. Law Taxes. Legal Education. Legislation. Lex Loci. Limitation of Actions. Litigation. Magistrate. Native Agency. Oaths. Pergunnah Courts. Petty Jurisdiction. Perjury. Punchayet. Regulations. Registrar. Sheristadars. Stamp Duties. Technicalities.*

Courts of the Native Princes in India. They have very little of the old hereditary rank about them, *Halliday* 3623.

Covenanted Service. There is a covenant entered into between the civil servants who go to India and the Company, *Trevelyan* 6765——Founded upon the old commercial character of the Company, *ib.* 6766——Reasons in its favour, *ib.* 6767-6770——No such arrangements have ever been entered into with the natives, *ib.* 6766. 6772. Its exclusiveness is held out as a reward to young men to devote their lives to the Indian service, *Cameron* 7388-7390——Inclination is in favour of an exclusive service, *ib.* 7395——A great inroad has been made in it, especially in the judicial department, *Trevelyan* 6759——Instances of covenanted offices held by natives, *ib.* 6760.

Reports, 1852-53—*continued.*

Covenanted and Uncovenanted Service. No such rule of distinction ought to operate to exclude natives from offices for which they are qualified, *Trevelyan* 6768——The distinction might be maintained, even after the admission of natives to the Supreme Court of Appeal in India and to Haileybury, *Cameron* 7384——In respect to the emoluments of office, *ib.* 7386.——*See* also *Civil Service.*

Cramming. Takes place for entering the East India Company's College, but not for getting out of it, *Campbell* 3894.——*See* also *Addiscombe. Civil Service. Haileybury.*

Crannies. Are a fair specimen of the human race, superior to the Bengalee, but inferior to the up-country people, *Trevelyan* 6704.

Crawford, Robert Wigram, Esq. Was some years ago the head of a house at Bombay, 1758——And paid some attention to the working of the packet service by the Indian navy, 1759, 1760——The vessels are prohibited from carrying goods on private account, 1761——It was some hardship, 1762——But only goods of value would have been sent, 1762-1766——They were allowed to carry bullion, but the rate of freight was almost prohibitory; it was cheaper to send it by the Peninsular and Oriental Company's vessels, 1767——Does not recollect the rate of freight, 1768——Has remitted a great deal of bullion both ways, 1905——At about four per cent., including all charges, 1906. Has never sent goods up the Indus, 1774——That trade is chiefly in the hands of Parsees and other natives, 1776-1780——They can do it cheaper than Europeans, 1777——The steamers on the Indus are supplied by the Indian navy, 1781——Has a favourable opinion of the officers employed upon the Indus, for energy, skill, and enterprise, 1838——The Indian navy has effectually put down piracy, 1782.

Witness had several ships, 1783——Some were built at Bombay, but it answered better to build them in England, 1788, 1789——They sailed with a British register, 1792——Were manned with Lascars; native seamen, 1784-1786——Very few Chinamen, 1787——Had never any occasion to investigate the operation of the manning clause; as seamen were mostly Lascars, the Act was probably exceeded, as many of them are Manilla men and Malays, 1793——No Arabs, 1795——Considers the Lascars as valuable as Europeans, and they are cheaper, 1796-1801——The country ships have a captain, from two to four officers, gunner and carpenter, Europeans; the rest Lascars, Malays, or Manilla men, 1800——They are hired under a serang, which is objectionable, 1802——The serang is generally the same caste as the seamen themselves, 1807——Many Arabs are afloat in native vessels in the Persian Gulf and Red Sea; cannot say whether they are good seamen, 1803-1807.

A great many vessels have been burnt in Bombay Harbour, 1808——The majority were cases of incendiarism, 1809——Generally attributed to the ghat serangs, the crimps, 1810——The reason explained, viz., to enable them to pocket the money advanced, 1811——A committee investigated the subject, and certain recommendations were made, sent up to the Supreme Government, and then lost sight of, 1813——Similar cases occurred at Calcutta, 1817——And a similar committee was formed, 1818.

The packet service ought not to be continued to be performed by the Indian navy, 1823——As far as the public interests are concerned, has no doubt whatever upon the subject, 1825——Before last year, the mail packets of the East India Company were the only vessels running between Suez and Bombay, 1830——Objections to the employment of the Indian navy for the purpose of carrying the mails, 1831——The service can hardly be said to be well performed, 1832——The accommodation is inferior to the Peninsular and Oriental Company's steamers, 1833——Would rather see the service in the hands of a mercantile body, provided the public were secured against monopoly, 1834——At present there would be no means of preventing it becoming a monopoly, 1835——At present there is not sufficient inducement for another company to offer its services, 1845——Witness's scheme was to have the service performed alternately by the Peninsular and Oriental Company and another company, 1846——The services of the Indian navy would be as well performed by Queen's ships, 1836——Though there may be some advantage from having a local force, 1837.

The state of the internal communication is a great obstacle to obtaining a supply of cotton from the interior, 1851——When railway communication is extended into the cotton districts, it will open an immense source of supply, and enable Indian cotton to compete with that of America, 1857. 1861——The expense of carriage is the principal drawback to Indian cotton, 1861——The quality is not so good as the American, 1859——Since the East India Company sent some American cotton planters into the cotton districts, cotton is better prepared, and a better sort is produced, 1865, 1866——The American cotton gin has been introduced to a considerable extent, 1868——It is a great improvement upon the native machine, 1872——The churka, 1867. In a general way, it would be worth while for the Indian Government to borrow money for the improvement of the internal communication, 1873——In the long run, 1875——It would, no doubt, lead to a large accession of revenue, 1877. Indian cotton is decidedly inferior to the American cotton, 1879——But there is a very large demand for cotton of that quality, 1881——Probably it never will supersede the American cotton, 1882——It comes to

Bombay

Reports, 1852-53—*continued.*

Crawford, Robert Wigram, Esq.—continued.

Bombay in all sorts of states; that from the Deccan very dirty, 1885——It is sold at Bombay by sample, 1886——And cleaned there, but only in a very general way, 1890 ——Cotton cultivated with care in a garden has borne as good a price as the American, 1893-1895——Cotton has to travel 300 or 400 miles to Bombay, 1898——And is about three months on the journey, 1899——A carriage road has been made over a very considerable portion of the distance, 1901.

Has shared in common with others in the prejudicial effects upon commerce in general which the practice of making advances upon the hypothecation of goods has engendered, 1902——The practice cannot be upon a better footing than it is, 1903——The Company has not suffered any inconvenience from any combination against it to lower the price of exchange, 1904.

The best cotton from the Deccan comes from Oomrawatee, 1908——The best brought to Bombay comes from the Guzerat districts, 1909. 1924——The American experimental farms proved the possibility of producing a fine sample of cotton in India, 1910-1912——They have been abandoned, 1913. Cotton is not an uncertain crop, but it is affected by the frost very easily, 1915——Has heard it said that Indian cotton, properly cultivated, is better than American cotton cultivated in India, 1926——There are large tracts of land in the Deccan capable of producing good crops, but doubts if the cultivation of it could be extended in Guzerat, because there the cotton is in the rotation of crops, 1938. 1940——Believes that the cotton plant is an annual plant, 1939——And that the cotton crop comes in rotation every second year, 1941——On an average as much cotton is sent to China as to this country, 1916——The better sort of cotton suits the China market, 1918——The carriage of the cotton from Guzerat is of no account at all; it comes in boats at a very insignificant cost, 1921——There are half-a-dozen people between the grower and the buyer, 1922—— Europeans have not established themselves in the interior for the purpose of cultivating cotton in the way that the indigo planters have done, 1923——Would not wish to supplant the American commerce in cotton with this country; but there is room to raise a large quantity of cotton in India, and bring it to this country, in addition to the American, 1931 ——Any quantity that India could send of a suitable quality would be taken in this country, 1933——Egyptian cotton bears a higher price here than the Indian cotton, in consequence of being of a superior quality, 1937.

Crime in India. Though it cannot be said to be diminishing, it is diminishing in atrocity, *Halliday* 3589.

Criminal Law. The question is still undecided upon whom the onus rests of proving that a criminal is an Englishman, *Lushington* 4606—— An outcry is raised whenever you attempt to bring Europeans under the jurisdiction of the Company's courts, *Hawkins* 4351—— Practically they are under no law in criminal cases, *ib.* 4355——The natives complain of the inconvenience they are put to in prosecuting; it is a grievance of a very trying description, *Campbell* 3801.

See also *Administration of Justice.* *Courts of Justice.*

Cultivation of the Land. The system in the Province of Bengal is to leave it out of cultivation periodically, *Keane* 7790——Was considerably extending in Chittagong, *Torrens* 8537 ——Uncultivated land was assessed on the russidee jumma on being brought under the plough, *ib.* 8525——A man wishing to bring land under cultivation would apply to the collector, *ib.* 8528——Who would give him a lease at the progressively increasing jumma, *ib.* 8529——He must in many cases be guided by his subordinates, who, as a rule, are not untrustworthy, *ib.* 8534.

Cursetjee, Mr. Ardaseer. Is chief engineer and inspector of machinery under the East India Company, 1670——Acting under the Commander-in-Chief of the Indian navy, 1707—— And it is his duty to keep all the Company's machinery in proper order, 1706——His family has been at the head of the dockyard for the last 150 years, 1705——His attention has been called to the mode in which the packet service is performed by the Indian navy, 1673——The Company's vessels are not so slow as stated in some of the papers, 1674, 1675 ——The machinery used in India is nearly the same as that used in the Cunard and Collin's Lines, 1676, 1677——In point of manufacture, but not in proportion of power to tonnage, 1732, 1733——No very large vessels have been added lately; two of 1,800 tons and 700-horse power are building, 1678——The best vessels have been taken off the station in consequence of the Burmese war, 1679——It is an inconvenience, and complaints have been made, 1680, 1681——Peninsular and Oriental Company have discontinued running from Bombay to the Red Sea, 1681.

Can do any repairs at Bombay, 1687——Has no time for manufacture, 1686——But thinks machinery could be made as cheap at Bombay as in England, 1689——Machinery is brought from England, 1696—— Also the coals, 1691——Thinks building can be done somewhat cheaper at Bombay than in England, 1688——Is not aware that the Admiralty have discontinued building at Bombay; but great complaints have been made, 1692-1694 ——Vessels are built of the northern teak, 1697——Malabar teak is superior to Moul-

Reports, 1852-53—*continued.*

Cursetjee, Mr. Ardaseer—continued.

mein, but the best is the northern from Guzerat, 1752-1753——Nothing but teak is used; it resists the attack of ants, 1744-1746——Timber is sometimes converted for the Government, and sent home to be fitted, 1695——Steamers cost about 30*l.* per ton, ready for sea, 1698-1702——The mere hull about 5*l.* less, 1702——There are not many natives in witness's department, 1704——But a great many English, 1712——A few natives in the steam machinery department are Parsees, and a great many Hindoos and Mussulmans, 1714——A few Chinese and Portuguese are employed as joiners, 1715, 1716——The natives are as efficient as the Europeans, 1720——And come chiefly from Guzerat, and the northern part of Bombay, 1721——The number employed varies; sometimes above 2,000; 1722——When not employed in dockyard, they get work as joiners, &c., and may be obtained in case of emergency, 1723——Witness's father is master shipwright, 1705. Most of the shipwrights employed are Parsees and Hindoos, 1711——But not many English, 1713——Cannot depend upon merchant ships for transport service, 1708——Is not aware of any piracy now in the Indian seas, 1710.

There is only one private yard at Bombay belonging to the Peninsular and Oriental Steam Navigation Company, 1717, 1718——Merchants used to get ships built in the Government yard, 1719——But not many are built at present, 1724——There is a yard for building them at Damaun, a Portuguese settlement; and also at Cochin, 1725. Mail packets start from Bombay twice a month, 1726——Recollects only one instance of machinery breaking in eleven years, 1727——And about half a dozen cases of putting back from other causes, 1728——The route varies according to the monsoon, 1729-1731. Packets are all wooden vessels, 1734——Some have guns; a large swivel gun, 1736, 1737——No screws, except one belonging to a private company, 1735——About five boats are employed in the packet service, 1739——Company has some iron vessels for river service, but not more than one sea-going vessel, 1738——They are better for river service, 1741——But are not more free from vermin, 1742, 1743——None have been built at Bombay, but many have been lengthened, 1740——Poon tree is used for masts for cheapness, 1747, 1748——The Auckland, built at Bombay, is a very good vessel, 1749. 1751——Boats sent up the Indus were built of teak, 1755——Of about thirty tons, and drawing thirteen inches water, 1756, 1757.

Cursetjee Monackjee. Considers his opinion as fair a representation of the feelings of the natives as the Bombay petition, *Willoughby* 3167.

Customs Duties. Effect of the export and import duties upon the manufactures of India, *French* 9023——Would not increase the import duties for encouraging manufactures in India, *ib.* 9024.

D.

Dacca. Has become very unhealthy of late years, *Wise* 5310——From want of cleanliness and drainage, and from the approach of the jungle, *ib.* 5310-5314——Population has much decreased, *ib.* 5310-5314——The manufactures have fallen almost to nothing, *ib.* 5317——Legacy left by Mr. Mitford for the benefit of the people has been frittered away, *ib.* 5412-5414——Cultivation of cotton in the neighbourhood is very small now, *ib.* 5330——American cotton answered very well in a garden, *ib.* 5340, 5341——Dacca cotton fetches threepence halfpenny a pound in Dacca, *ib.* 5320. 5322——It is a long cotton, *ib.* 5323——And that grown in the immediate neighbourhood of Dacca is very soft, *ib.* 5333——Estates in Dacca are a good deal divided, but in the adjoining districts are very large, *ib.* 5420——Some are worth 60,000*l.* a year, *ib.* 5421——Portions are let out in farms at rents, *ib.* 5425——They are generally in a high state of cultivation, *ib.* 5427——There was a great desire to learn English in the Dacca district, and why, *ib.* 7017.

See also *Cotton. Education.*

Dacca College. Principles upon which it was established, *Wise* 7009——Was formed from the Education Fund, and is supported by Government, *ib.* 7011——Class of students, *ib.* 7013——Education was confined to vernacular and English, *ib.* 7010.

Dacoits. Dacoitee, or gang robbery, is very prevalent in the Bombay Presidency, *Willoughby* 3134——Is as numerous as ever in the Lower Provinces, in the immediate neighbourhood of Calcutta more numerous, *Halliday* 3589——It is now merely robbery, with a show of violence, *ib.*——Calcutta itself is known to be a nest of Dacoits, *ib.* 3591——Until about eighteen months ago, the country around Calcutta was overrun with them, *Marshman* 5179——Government appointed a commission for their suppression, *ib.* 5180——Difficulties in the way of putting them down, *ib.* 5182——Mahomedans had the same difficulty, *ib.* 5183——Statement of the means employed for their suppression, *ib.* 5184——Government, last year, adopted the suggestion of Warren Hastings in 1772, *ib.*——Were very seldom laid hold of, *Macpherson* 8664——Description of the way in which a dacoity is perpetrated, *ib.* 8675——River dacoities were very frequent; the guard-boats were very inefficient; is at a loss to suggest a remedy, and why, *ib.* 8684.

See also *Police.*

Reports, 1852-53—*continued.*

Deccan Sheep and Horses. Attempts to improve the breed have failed, *Thornton* 7542.

Declaration. Reasons for substituting a declaration in lieu of an oath by Act 5 of 1840, *Lushington* 4480 *et seq.* 4533; *Halliday* 4528——The change has been detrimental to the objects of justice, *Lushington* 4483——But the judges, European as well as native, when consulted, did not think it necessary to re-introduce the oath, *ib.* 4483.

Delhi. Delhi College may be supported partly by private endowment, but Government contribute largely to it, *Thornton* 6008——English college at Delhi, when and how established, *Trevelyan* 6594.

Delhi Family. Has produced several accomplished ladies, *Trevelyan* 6839.

Depositions. In India, it is perfectly legal to have them taken in the absence of the judge, *Lushington* 4441——How taken, *ib.* 4442——Would be a great improvement if they were taken orally, *ib.*

Deputy Collector. The office has answered very well, *Halliday* 3729——He has to exercise much discretion, *ib.* 3730, 3731.

Deputy Magistrates. Is a new grade of judicial office recently created in the Bombay Presidency, *Willoughby* 3030——Filled by uncovenanted servants, *ib.* 3036. 3037——Have been of use, *Wise* 5299——There are not so many natives as there ought to be; the office should rarely be given to Europeans, *Halliday* 3721. When Europeans, they are uncovenanted servants, *Wise* 5300——The natives are selected from various classes, *ib.* 5301——Many natives are employed, well qualified, and who may be depended upon, *Hawkins* 4393, 4394——The native deputy magistrates have not answered so well as the European, *Wise* 5299——May exercise all the power of a magistrate, or any amount of power confided to them by him, *Halliday* 3727——Has been very much satisfied with the mode in which they have exercised their powers, *ib.* 3728——But reducing their intended salary created disappointment, and impeded the operation of the measure very much, *ib.* 3725——Would recommend appointing deputy magistrates having small local divisions for carrying on the primary duties of the police, *Hawkins* 4387.——*See* also *Civil Service.*

Devil-worship. Is connected with very sensual and with very cruel rites, *Duff* 6169.

Diminution of Allowances. Was very little discussed in the press, while the press was free, *Trevelyan* 6662.

Direct Appointments. Within the last two years, the nominees are required to pass an examination as in the Queen's service, *Abbott* 5641-5643——But it is not much more strict than the Addiscombe preliminary examination, *ib.* 5694——For which reason, and on the ground of expense, many prefer these appointments, *ib.* 5695——But it does not necessarily follow that a less qualified class obtain commissions, *ib.* 5696——Cannot tell proportion of direct appointments in the Indian service, *ib.* 5697——Age up to which the nominees may go out, *ib.* 5732, 5733——Objections to direct appointments, *Trevelyan* 6918——Thought the direct artillery appointments a bad arrangement, *Pasley* 5765——Was obliged to examine the nominees more leniently, 5677.

Dissimulation. Is often unconsciously fostered in the missionary establishments, *Trevelyan* 6804.

District Dawks. Have been made available for the public in the North-western Provinces; Lord Dalhousie has paid particular attention to the establishment of them, *Marshman* 6565.

DOCKYARDS:

There is a small yard for the Bengal marine at Kiddepore, *Melvill, J. C.* 1450——Preference is given to building in India; though the absolute expense in the first instance may be larger, the ships last longer, *ib.* 1487——The rate of building at Bombay is high, *ib.* 1490.

Dockyard Bombay. Building at Bombay is cheaper than in England, *Cursetjee* 1688——About 30*l.* per ton ready for sea; the mere hull about 5*l.* less, *ib.* 1698. 1703——Observations on the expense of building for the Royal navy in the Bombay yard, *ib.* 1692-1694——Most of the shipwrights are Parsees or Hindoos, *ib.* 1711——Not many English, *ib.* 1712——The number of men employed varies, sometimes above 2,000; the establishment could be increased quickly in the event of an emergency, *ib.* 1722, 1723——There is no private yard at Bombay, except one belonging to the Peninsular and Oriental Steam Company, *ib.* 1717——Merchant vessels used to be built in the Government yard, *ib.* 1719——But not many are built at present, *ib.* 1724——There is a private yard at Damaun; and a very fine yard at Cochin, *ib.* 1725.

See also *Indian Navy. Machinery. Steam.*

Dominion in India. Was placed on its proper foundation by the recognition of the great principle that India is to be governed for the benefit of the Indians, *Trevelyan* 6649.

Drunkenness. Has much diminished among the European soldiers, *Alexander* 1218——Seems to be on the increase among the natives, *ib.* 1230——Spirit drinking is fast spreading among

Reports, 1852-53—*continued.*

Drunkenness—continued.

among the natives; number of courts-martial for drunkenness in the Madras army, 1843 to 1847, *Alexander* 1232——Drunkenness increases as you approach a cantonment or European society, *ib.* 1224——Has been checked by the sale of beer to the European troops by the Company, *ib.* 1227.——*See* also *Abkary*.

Dubashees. Are native lawyers who obtain a livelihood by promoting litigation, *Willoughby* 3052.

Duff, Rev. Alexander, D.D. Has resided chiefly in India since 1829; 4132——Originally went out as a missionary, 4133——Was continually among the natives, 4135——And greatly mixed up with them in various ameliorative proceedings, *ib.*——Is best acquainted with Bengal, 4136. The four great systems of law administered in Bengal explained, 4138——The most reasonable way to put an end to the confusion caused, would be to institute a simple code of law, criminal as well as civil, 4139——Observations upon the translation of such a code, 4140-4142——The use of the English language is advancing with very great rapidity in Bengal, 4143——And under proper management ought to be of the first importance to the people, 4144, 4145——Translations into the Indian languages of some of the most valuable European works would be very advantageous, 4146.

Should say decidedly that in the English schools, even beyond the Presidencies, the majority of the pupils are of a high class according to Indian notions; they are of good caste and reputation, though not the children of Zemindars or Rajahs, 4149——They are of all descriptions, 4151——The class of boys attending the school at Agra is of a very mixed and miscellaneous character, 4153——Does not think that any general inducement could at present be held out with a view to influencing the Zemindars and Rajahs to send their children to English schools, 4154——A great deal depends upon the resident functionaries, *ib.* Is of opinion that the result, for good or for evil, of the acquisition of the English language by the natives, depends upon the use they are led to make of it, 4156——It is capable of being turned to great good or great evil, according to the subjects taught, and the use which is made of it, 4161.

The native judges established under Lord W. Bentinck's system acquit themselves greatly to their credit, 4158——The natives have shown great aptitude for the judicial office, 4163——The want of legal training is the great deficiency in the native judges, 4164——Would establish in Calcutta and one or two other places permanent law lectureships, which could be attended by all candidates for the judicial office, *ib.*——In our legislation for India, the principle has been to consult the peculiarities of the people of India as far as possible, 4166.

Complaints have been made of changes in the law; observations upon the law of inheritance, 4167——Considers that in altering the law the Government has done nothing but what it was warranted in doing, *ib.*——Never could ascertain whether proselytes under the Mahomedan sway forfeited their inheritance, 4174——The conclusion would be against it, 4177——Toleration in matters of religion varied greatly with the Emperors, 4178.

The East Indians, or half castes, in various ways have had not a little to complain of, 4182——They are looked down upon; but have made great efforts to improve themselves, and have been highly spoken of by those under whom they have served, 4183——Lord Metcalfe's opinion of them, *ib.*——Of late years they have been getting more into public offices; their condition is a rising condition, 4187——Their residence is very much confined to the Presidencies, 4192——In the interior they do not abound much, 4195——Taking the Hindoos as a body, high and low together, the East Indians will bear comparison with them, 4196——In the schools, from their training and education as Christians, they exhibit on the whole a higher style of character, 4198——Nominally and professedly they are almost all Christians, 4200.

Suggestions for the improvement of the judicial system in India, 4203. 4207——Is in favour of the revenue department as affording a good training for the judicial service, 4204——No real organic or radical changes are required, but the system is capable of much improvement, 4207——What is required is not a series of organic changes, but of wisely reformative measures, *ib.*——Nature of the collector's duties, 4208——The bringing the European to act on the same bench with, and in concurrence with, the native, would tend to afford the best species of judicial training, 4209, 4210——And a race of natives is now rising up who would have an opinion of their own, 4212, 4213——The union of the Sudder and the Supreme Court would be most desirable, if there was one code, civil and criminal, for the whole of India, 4211——Suggestions with a view to obtaining the co-operation of the zemindars; and also the opinion of the natives upon draft laws, 4213.

The natives appointed to revenue and judicial offices are generally of good caste, 4214, 4215——Would be guided by the state of popular feeling in the locality in respect to appointing men of low caste to the judicial office, 4216——Should say that vakeels are the last class who ought to be appointed judges, 4218——But if the salaries of the native judges were increased, and a fair system of promotion instituted, the superior class of vakeels would be ready to enter the judicial service, 4220——Evidence as to the corruptness of the vakeels and the causes operating to prevent its discovery, 4221-4224——It is more easily detected by a native judge than by a European, 4225.

Reports, 1852-53—*continued.*

Duff, Rev. Alexander, D. D.—continued.

Instances of oppression and corruption on the part of the Darogah, 4225-4229——A military police properly organised would be a great boon in the present state of Bengal, 4230——For years there has been neither law nor justice for the people of Bengal, arising from the executive being almost wholly in the hands of natives, as described, 4231——System is capable of amendment, *ib.*——Policemen, how selected, 4232——Number and character of the village police in Bengal, 4234.

Government should, as soon as possible, break up the system altogether, 4235——Suggestions for the improvement of the police in Bengal, 4236——The expense of the village police in Bengal, 4257——At present it would be difficult to make the Chowkeydary system the foundation of a system of police, 4237——The abuses complained of arise from the mistaken system which has been pursued, 4238-4240.

The permanent settlement was made with the very best motive and intention, 4241——As regards general security and protection on the part of Government, all things are better in our territories than in native states, 4244——The zemindaries should be surveyed and their boundaries defined with accuracy; it would diminish litigation, *ib.*——Beneficial effect of the recent survey in the North-west Provinces, 4245——Causes which have tended to render Bengal worse than the other provinces, 4247-4252——Observations upon the influence of Hindooism upon the character, 4254-4256. 4271-4278.

Remarks upon prison discipline; objections to the system of out-door labour, 4261-4263——Hitherto very little has been done in improving prison discipline in Bengal, 4264——The messing system has not worked well, 4263——Objection to it, 4264——There is no system in the gaols having in view the reformation of the prisoners, 4269——Difficulties in the way, 4270-4275——The whole state of native society in Bengal is rotten to the core, 4277——With regard to Europeans, the Marriage Act in the main has given satisfaction, 4279——Objections to it as applicable to the natives, *ib.*——It has subjected them to fresh grievances, 4280——And in respect to divorce a speedy remedy is loudly demanded, 4281.

[Second Examination.]—Information upon the subject of education in Bengal was in a very unsatisfactory state until it was taken up by Lord William Bentinck, who, in 1835, appointed Mr. W. Adam a special commissioner to inquire into the subject, 6057——How Mr. Adam proceeded in his inquiries, 6058 *et seq.*——Result proved not only that it was very deficient in quantity, but that to a great extent it was exercising a vitiating influence, 6062——Objections to the system of education in the native schools, 6062-6067——The objections are almost equally as applicable to the Mahomedan as to the Hindoo schools, 6085——The learned schools of the Mahomedans are very much akin to the Sanscrit schools of the Hindoos, *ib.*——Schoolmasters' wages are about one rupee and a half a month in the Mofussil; in Tirhoot the average is the lowest, 6069-6071——The highest average pay is about four rupees and a half a month in Moorshedabad, 6073——The average salary is about three rupees a month, 6075.

There is no connexion between the elementary and the learned schools in India, 6072——Proportion of the instructed population in Bengal and Behar, 6076——And in the North-western Provinces, 6080——The education in the North-western Provinces is very much of the same description as in Bengal, 6081——At Bombay the attempts to ascertain the state of indigenous education are not of the same satisfactory nature as in Bengal and Agra, 6086——Mr. Elphinstone's minute of December 1823 did not call for statistical returns, *ib.*——Such returns have been attempted, *ib.*——At Madras Sir Thomas Munro ordered inquiries to be made; but no attempts have been made since his time, *ib.*

Operations of the British Government with regard to native education, 6087. 6094——State of the Sanscrit College at Benares, 6087-6091——There was great difficulty in introducing English literature, 6091——The repugnance to English was manifested long before Lord W. Bentinck's attempt in 1835; 6093——In the Sanscrit College, at Calcutta, the attempt partially succeeded more than twenty years ago, *ib.*——Number of Hindoo and Persian schools at Muttra and Brindahun, 6095——English education was in a manner forced upon Government, 6098——Origin of the English system of education in Bengal; Hindoo College at Calcutta opened in 1817, *ib.*——The help of Government was first afforded in 1823; 6099——Views of Government were at first somewhat peculiar and contracted, *ib.*——Progress of the college; antagonism between English literature and science and Hindooism, and the effect of the system of education upon the latter explained, 6099-6102——The young men became, in fact, avowed Atheists, 6101.

Effect of lectures and discussions undertaken to counteract the evil effects of the Government system of education at the Hindoo College, 6102——Since then other educational institutions have sprung up, conveying a religious knowledge along with a secular education, so that the infidelizing effects of the Hindoo College have not been so palpably developed as formerly, 6115-6118.

Lord W. Bentinck's Resolutions, in March 1835, were intended to end the controversy which had arisen between those in favour of the system of introducing European literature and science, by means of translations into the Oriental languages, and those in favour of the English language being used as the medium for that purpose, 6107——Object and nature of Lord W. Bentinck's Resolution of March 1835 explained, 6107——Lord

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Auckland's minute, dated Simla, 1839, whilst upholding all Lord W. Bentinck had done with a view to the encouragement of English literature, abrogated so much of his resolution as went to the ultimate abolition of the Oriental system, which it restored, 6108, 6109——The object of Lord Hardinge's resolution, of 10th of October 1844, was to encourage all well-constituted and well-conducted educational establishments, 6111——Many of the Government students availed themselves of it, 6112——But not students from non-Government institutions; the reason of this explained, *ib.*——Objections to the plan of the Council of Education, with reference to Lord Hardinge's minute, *ib.*——The resolution has practically been a dead letter as respects all but the Government institutions 6113.

The Medical College at Calcutta may in many respects be said to be the most remarkable and useful institution which the Government has ever set up; it has been triumphantly successful, 6114——There is one at Madras, on a smaller scale, and another at Bombay, *ib.*

Objects of and course of proceeding in the educational institutions on Christian principles explained, 6118-6121——There is very great readiness, on the part of the natives, to avail themselves of the institution, 6122——They are of the higher class as to caste; but the institution is open to all who chose to come, 6126——Effect of the institution in making converts, 6124, 6125. 6148——But for the Act passed in 1850, all converts, according to Hindoo law, would have forfeited their property, 6127——As being unable to perform the funeral ceremonies of deceased parents and ancestors, which involves forfeiture whether they actually and formally renounce their religion or not, 6127-6131——The Act protects liberty of conscience, whatever the religious faith may be, or whether there be any definite religious faith at all, 6132, 6133——Never heard much complaint of the law out of Calcutta, 6136——The fact is, at all the Presidencies there is a class of restless, discontented natives, 6137, 6138. In the institutions referred to no regular class fee is paid, but the scholars pay for the books, &c., 6140——The secular learning is no doubt one great inducement to them to come, 6141——They seldom have any antecedent objection to reading the Bible, *ib.*——They object to nothing which is matter of speculation, and does not touch caste, 6142——The receiving of Christian instruction is imperative in mission schools throughout India, 6144——Some of the Government chaplains have taught the natives with great success, 6145.

With regard to conversions, a distinction must be drawn between two sets of mission agencies; the one educational, the other the ordinary method of itineracy among the villagers; the latter has been most successful at Kishnagur, in Bengal, and Tinnevelly, in Madras; in the former more success has been realised at Calcutta than elsewhere, 6150——Converts from among the Mahomedans are not by any means so numerous as from among the Hindoos, 6154——They do not attend the schools anywhere so freely as the Hindoos; at Calcutta very few indeed attend, 6156——They acknowledge the Old Testament in some loose sense, but not in the same sense as they acknowledge the Koran, 6158——Amongst the high caste converts has never known a case in which it could be alleged that a mercenary motive was at work; instances to the contrary, 6159, 6160——But there is not the same guarantee at the outset among the low castes, 6161——There is nothing to prevent a converted native retaining his Government appointment, 6163——Difficulties often arise from the Hindoo law in the case of married converts, 6180——The real difficulty is to ascertain the mind of the wife; as a general rule, she prefers remaining with her husband, 6180-6183——The case has not occurred in Bengal of a convert having been lawfully married to two wives before his conversion, 6184.

Is pretty well acquainted with the prevailing state of things at Tinnevelly, 6164——Description of the class of people there, 6165. 6167——There are very few Brahmins, 6166——How the conversions in the district have been effected, 6168——The inhabitants are devil worshippers, 6165——Which is connected with very sensual and very cruel rites, 6169. Sawyerpuram Institution belongs to the Propagation Society, 6171——Under Mr. Pope the course of tuition and discipline was too rigorous, 6172——Many of the boys were withdrawn, *ib.*——But the numbers have increased since he has left for England, 6175——It was designed for the children of Christian parents, 6177——The Church of England Propagation Society institutions in Tinnevelly have been established for the same object; our institutions are for the children of heathen parents, with an immediate view to conversion, 6178.

Upon the question whether, in the first instance, attention should be especially given to a few higher institutions, or whether the attempt should be made to instruct the masses through the agency of vernacular schools, is of opinion that a combination of the two in due measure and proportion would be the most effectual means of diffusing real knowledge throughout the land, 6179——Generally speaking, the teaching in missionary schools has not caused infidelity, 6186.

Operation of the Marriage Act with regard to Hindoos; its tendency in a state of society like the natives of India is to produce incalculable evils; it cannot be too speedily altered; its bearing upon the subject of divorce tends to encourage immorality, and to subvert the scriptural discipline in the native churches, 6185——The law requires alteration with respect to legal age and divorce, *ib.*

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[Third Examination.]—Hands in a programme of the public examination of the institution at Calcutta in 1841; 6187. See *App.* (I.)——With regard to the indirect effect of a system of vernacular education in promoting a knowledge of the English language, though its tendency would be in that direction, does not think that the initial establishment of such a system would speedily create that strong and marked tendency one might be apt to expect, 6188-6193——Is of opinion that a combination of the English system with the vernacular system would carry out the object best, 6194——Objections to adopting either system apart from the other, *ib.*——The two ought to be combined even in the higher English institutions, 6195——Considers the advocates of an exclusively English, or an exclusively vernacular system, equally wrong, *ib.*——All material improvements exert an auxiliary influence in connexion with our educational agencies, 6196.

Has always been connected with the literary and religious department of the press while in India, 6197——Was sole responsible editor of the Calcutta Review for several years, *ib.*——All contributors, with one exception, rendered their services gratuitously, *ib.* ——The article on "The Zemindar and Ryot" was written by a native of India, 6198 ——Not a Brahmin, but of good caste; connected with a zemindary family, 6199—— His character, 6226——The article was written about the end of 1846; 6202——As editor, had to weigh its varied statements, and believes that it was in the main a true description of the great mass of the Bengal ryots, 6201——The exactions or abwabs, referred to in the article, were abolished by Lord Cornwallis at the time of the perpetual settlement; it is contrary to law to exact them, and the fault does not lie at the door of the British Government, but simply and directly at that of the zemindars, 6203-6206—— Causes of the distressed condition of the ryots, 6207——The abwabs constitute only one of the concurrent causes, *ib.*——There is scarcely any way of bringing the authors of them to account, 6208——Want of energy on the part of the ryots prevents the Government from giving them relief, 6209, 6210. 6214——If the intentions of the Government were carried out, their condition would be very different from what it is, 6210——Believes that the abolition of the stamp upon petitions would tend very much to the relief of the ryot, 6211——Rent by law ought to be estimated according to the local rate; but notwithstanding the enactments for the purpose of protecting the ryots, the zemindars act as they please in imposing rent, 6212-6215——The illegal exactions or abwabs are levied over and above the amount of the rent, 6213. 6215——Every opportunity is taken to make them; occasions upon which they are made, 6216-6218.

The amount of literary and scientific knowledge acquired by the more advanced natives is really very considerable indeed, 6220——Such as would do credit to young men of the same age in any institution in Great Britain, *ib.*——The native newspaper press in Bengal is of very recent origin, 6221——It has been gradually improving in its literary character and extent of information, *ib.*——The average number of papers of late years in Calcutta has been from sixteen to twenty, *ib.*——Their circulation as yet is but limited, *ib.* ——Some of them deal very sharply with European politics, 6222——Objectionable nature of some of their translations, 6223——They circulate a good deal about the Sudder stations, and more or less among the zemindary families and their agents in the Mofussil, 6224—— They sometimes make comparisons between our rule and that of the Mahomedans and other native princes with no very friendly feeling towards our Government, 6228.

The effect of education on the morals of the natives depends upon its nature; if merely secular, it is not satisfactory, 6229——If thoroughly Christian, it has a decided tendency to improve them in all respects, 6230——At present there are but few qualified for the higher posts of administration, 6231——But, if the higher posts were fairly open to them, natives would ultimately be found fit to occupy any post, even the highest, 6232——There is no regular mode of acquiring a knowledge of the tenures in India; the subject is very complex, 6234——There is no regular way of becoming acquainted with the law of India beyond the lectures in Haileybury, 6235——The Government regulations are immensely voluminous, 6237——And there is great difficulty from the corrupt and conflicting nature of native testimony, 6239.

Statement of the results of the missions in India, 6241, 6242——The half castes of late years have been decidedly rising, and making great and very successful efforts to educate themselves, 6244——The Parental Academy at Calcutta, wholly supported by themselves, is one of the most efficient and best conducted educational seminaries in India, *ib.* ——Has heard them spoken of as well fitted for civil office, 6245——If the opportunity were properly afforded, they would be found equal in point of qualification to the average of covenanted civil servants, 6246——With a view to the further extension of education, considers that the wisest policy would be to fall back upon Lord W. Bentinck's resolutions of March 1835; 6247——Suggestions upon the subject, 6247-6254.

Approves of the recommendation of Lord Tweeddale's minute of August 1846, for allowing the Bible to be introduced as a class book, 6247——Hands in extracts from the Madras press in its favour, 6247, 6248——With regard to Government assistance, would recommend applying to India the principle upon which the British Government acts here in distributing its educational funds, 6249-6251——By the plan proposed, the endowments or fixed grants of the Oriental colleges would be, subject to existing interests, transferred

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to the support of useful institutions, 6253-6259——Does not think that it would be a violation of any Government pledge, 6261.

With respect to the ultimate result to our Government of improved education amongst the Hindoos, considers high English education without religion, as a blind, short-sighted, suicidal policy; but if combined with Christian knowledge and Christian influence, would only be the means of perpetuating and consolidating the British Empire in India for years to come, 6263——The former would accelerate, the latter retard the progress of separation, 6264——The withdrawal of our controlling power, in the present circumstances of India, would be the signal for universal anarchy, 6265——And nothing should be done tending thereto, 6266——Does not fear such a result from education, if wisely and timeously combined with Christianity, 6267.

Duff's, Dr., School. Is one of the most successful missionary schools, *Wise* 7067——Is generally considered as the best, *Bird* 7108——Comparison between it and the Hindoo College, *Wise* 7067——Many go to him after leaving the latter, *Bird* 7118——The difference between his system and that of the Government, is, he employs the Bible as a class book, in the Government schools it is merely used as a book of reference, *Wise* 7069——His system differs from that of the missionary schools in general, *Bird* 7108.

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East, Sir Edward Hyde. Letters addressed by him to Mr. Harrington, explanatory of the origin of the Government schools, *Bird* 7097.

Ecclesiastical Establishment in India. Must be increased in proportion to the wants of the people, both European and native, *Bird* 7156——It is very liberal; but as we enlarge our territory, our wants increase, *ib.* 7158.

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Progress of Education in India generally.
Proceedings of the Board of Education.
Effect of Lord W. Bentinck's Resolution of 1835, and Resolutions subsequent thereto.
Remarks upon the Government System, and Suggestions as to the best Plan for extending Education.
English Education, its Origin, and how regarded by the Natives.
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Evidence as to the Desire for Education among the Natives.
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SCHOOLS AND COLLEGES:

Schools in General.
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Education in India, generally.—Information upon the subject of education among the natives was very imperfect until Lord William Bentinck took the subject up, *Duff* 6057——When education was first commenced under the auspices of the Government, it was found that a considerable degree of indigenous education has always existed in the country, *Perry,* 5882——But it was very low indeed in the Lower Provinces of Bengal, *Thornton* 6024——A certain amount of education was very widely spread through the country when we took possession of India, *Keane* 7901——Might be united with our system if entered upon by Government as it ought to have been, *ib.* 7903——The early attempts to spread education were not favourably received, *Perry* 5882——The number of pupils in the Government schools of the Bombay Presidency in 1852 was 13,757, *ib.* 5884-5886——Education was first attempted under Government auspices by Lord Minto in 1811, *ib.* 5898——His minute in 1811 pointed out the decay of native literature, and suggested means for maintaining it, *Duff* 6094——Up to that time the educational views of Government were merely for the purposes of administration, *Perry* 5898——There are sixty-five vernacular missionary schools in Bombay, *ib.* 5934——Missionary schools exist in many parts where no Government schools have been established,

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blished, *Perry* 5940——They go to every eligible station and open schools, *ib.*——Education in India is of very recent origin; previous to 1823 there were only two Government establishments in India; in 1834 there may have been fourteen, and now there are fifty-nine European colleges and schools, independently of the vernacular schools, *Thornton* 5967——With about 10,000 students, *ib.* 5968——There are between 300 and 400 vernacular schools, with about 17,000 pupils, *ib.* 5970——The central colleges amount to about fourteen or fifteen, *ib.* 5989——The Government contribution has increased gradually from 1823, when 10,000*l.* was granted; now, independently of college fees, &c., it is between 70,000*l.* and 80,000*l.*, *ib.* 6005——On the whole, there are more schools now than there ever were before, *ib.* 6023——The Council of Education did not attempt to recover the arrears of rupees appropriated under the Charter Act of 1813, *Cameron* 7404.

Education was opposed by the ruling authorities in this country down to the year 1813, *Marshman* 6389——The state of learning in India is very much what existed in Europe before the invention of printing, *Duff* 6067——Efforts of the British Government in connexion with native education, *ib.* 6087-6099. 6107-6115——Statement of the progress made in education down to the present time, *Trevelyan* 6592——Statement of the progress and state of education in the Provinces of Bengal and Agra, *Marshman* 6389, 6390——In the North-western Provinces is much of the same nature as it is in Bengal, *Duff* 6081——Result of the proceedings adopted by the Government in Bengal and Agra, *Trevelyan* 6625——Was first promoted in Bombay by Mr. Elphinstone, *Perry* 2586——Sketch of the progress of education in the Madras Presidency, *Norton* 6272——Statement of the educational institutions in Bengal and in the North-western Provinces, *Wilson* 7207——And at Bombay, *ib.* 7267——Amount of funds available at Bombay, *ib.* 7269——There is sufficient provision for the education of poor European children in Bombay, *Right Rev. Bishop Carr* 8100——The Protestant College at Madras has never been assisted by Government; the funds are lying idle, *Keane* 8022——Amount of such funds, *ib.*——Government has made no provision for the education of the East Indian population, though memorailised by them on the subject; a sum of 120,000 rupees, with promised annual subscriptions to the extent of 8,000 rupees, for a Protestant college, has been lying idle since 1847, for want of Government assistance, *Tucker* 8344——Grounds upon which the East Indians applied to Government for assistance, *ib.* 8346 *et seq.*

Proceedings of the Committee of Education.—Statement of the measures taken by the Bengal Committee of Education since its establishment in 1823 down to Lord William Bentinck's resolution in 1835, *Trevelyan* 6592-6597——And of their proceedings subsequently to Lord W. Bentinck's resolution, *ib.* 6598-6602——Objections to their proceedings; the whole plan has given great dissatisfaction, *Duff* 6112——And they appear at last to have admitted the objections to their plan, *ib.*——Have neutralised the effect of Lord Hardinge's educational order by their test of examination, *Duff* 6112, 6113; *Marshman* 6452——Institutions under their direction, *Wilson* 7197——Principles upon which the committee proceeded, *ib.* 7199——Their views upon the subject of vernacular education, *Marshman* 6482——They do not regard it as a matter of any immediate importance, *ib.*——Rejected an Ordoo version of the Life of Christ, written with a view to conversion, *Cameron* 7409——The Board established by Lord Tweeddale was abolished, because it had no native co-operation, and because its object was to introduce religious instruction, *Norton* 6372.

Effect of Lord W. Bentinck's Resolution of 1835, *and Resolutions subsequent thereto.*—Change in the system of education effected by Lord William Bentinck's resolution in 1835 described; design of the resolution, *Duff* 6107——Extent of the counterchange effected by Lord Auckland's minute, dated Simla, 1839, *ib.* 6108——Object of the controversy on the subject-matter of superior education in India was decided by Lord William Bentinck's resolution of 1835, *Trevelyan* 6595——An attempt was made to set it aside when Sir Charles Metcalfe was Governor-General, but he confirmed it, and Lord Auckland also approved of it, *ib.* 6625——Object of Lord Hardinge's resolution of the 10th October 1844, *Duff* 6111——The Oriental scheme of education was abolished in 1835 by Lord William Bentinck, *Thornton* 6029——Everything went on very cordially and happily, and great progress was made in all directions until Lord William Bentinck's order of 1835, *Wilson* 7235——With that order originated the contest as to the most advisable means of extending native education, *ib.*——Objections to Lord William Bentinck's plan, *ib.*——Mistake of the advocates of the English system exclusively is, that they know nothing of the country; they only know the large towns where English is of use, and is effectively cultivated, *ib.* 7240.

Remarks upon the Government System, and Suggestions as to the best plan for extending Education.—Statement of the progress made in educating the natives, *Trevelyan* 6592. 6625——Opinion of the Court of Directors upon the subject in 1830, *ib.* 6725——Without a proper system the eighty-seventh clause of the last Charter Act will be a mere mockery, *ib.* 6753——The Government scheme is to advance the progress of civilisation by the diffusion of

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useful knowledge; that of the missionary institutions to convert the natives to Christianity, *Trevelyan* 6804——Reasons in its favour, *ib.* 6804——The system adopted by the Committee of Education in England is well suited to India, and it might be transferred to India almost without alteration, *ib.* 6643——The ruling principle ought to be to give the best education which, on a sound view, our fellow-subjects are willing to receive, but all is imperfect which is not based on Christian instruction, *ib.* 6853——To give an English education without religion is a blind, short-sighted, suicidal policy, *Duff* 6263, 6264——The position of the Government in regard to education is that of neutrality, *Keane* 7908——Though neutrality is not really possible, *ib.* 7909——A combination of the higher institutions with the vernacular schools would be the most effectual means of diffusing real knowledge throughout the land, *ib.* 6179——A judicious and proportional combination of the English and vernacular systems will answer best; objections to adopting either exclusively, *ib.* 6194, 6195——Suggestions with a view to the further extension of education in India, *ib.* 6247——The wisest plan would be to fall back upon Lord William Bentinck's resolution, *ib.*——Would suggest a Board of instruction with general and very wide powers, though a secretary in the educational department would be better, *Norton* 6332.

The object of the Government has been the formation of a vernacular literature, and therefore to educate a certain number to a very high standard in European literature and science, and send them out among their countrymen to transmit their new knowledge to the community through the vernacular language, *ib.* 5996. 6015——Also to fit them to hold higher offices, *ib.* 5999——But a connecting link is wanting between the educational and other departments of Government for that purpose, *ib.*

The Government plan of education is highly efficiently carried out, *Keane* 7874——Is of opinion that the enforced uniformity of system in the different Presidencies hinders improvement, *ib.* 7910——The Calcutta system has not the confidence of the civilians and the people in general in India; it was the English national system imported into India, *ib.* 7911——Effect of allowing the different Presidencies to act independently, *ib.*——Opinion that the system of village vernacular schools with large provincial schools, and a lower standard of English literature, is preferable to any other, *ib.*——The Madras system has hitherto shown nothing; their funds have been accumulating to the amount of 1,000,000 *l.*, with an income of 10,000 *l.* a year, *ib.* 7912——Plan proposed by the present Government of Madras explained, *ib.* 7916——For the masses it would not be wise to go beyond vernacular education, giving an English education when it is required, and where there is an opening; would give an English education in the principal collectorates, and at the Presidencies, *Tucker* 8306——Would leave the question of the conditions of education to the several Presidencies, *Right Rev. Bishop Spencer* 8402.

English Education, its Origin, and how regarded by the Natives.—Origin of the system explained, *Duff* 6098——Objections to adopting it apart from the vernacular education, *ib.* 6194——Morally speaking, it generally produces a better class of men for the judicial department, than the native colleges, *Wilson* 7215——That given in the schools in the provinces is not of the highest order, *ib.* 7207——It has a tendency to cause indifference to caste, *Cameron* 7375——There is a great desire for English education, especially at the Presidency seats and large towns in the interior, *Duff* 6141. English is comparatively of no value beyond the Presidencies and large towns, *Wilson* 7240——It would be of no use to a native going to act as a Sudder Amin in the Mofussil, *ib.* The study of English is very popular in Bengal, more so perhaps than in the North-western Provinces, *Marshman* 6391——Found a strong desire for English learning at Delhi, *Trevelyan* 6571——Nearly the whole of the upper and middle ranks of natives at Calcutta were in favour of the extension of English instruction rather than the Oriental, *ib.* 6598——Reason of the great desire to learn English in Dacca, *Wise* 7017——Objects for which a native becomes a student of English, *Wilson* 7234——Would not decrease the number of English schools in the smallest degree, *Marshman* 6488.

But few Mahomedans were induced to join the English class at Hooghley College, *Wise* 6958——English classes are attached to the Hindoo and Mahomedan Colleges, *Wilson* 7252——It was a mistake to withdraw the English class from the Sanscrit College, many of the pupils made considerable progress in English, *ib.*——Does not think that there is any jealousy of English acquirements among the natives, *ib.* 7228.

The English education given in the Government schools, gives the young men a higher tone of moral feeling than they had under their own system, *Wilson* 7211——It liberalises their feelings, *ib.* 7216——But it does not produce any very great intellectual advantage, *ib.* 7211——It does not make them such good reasoners, at any rate not better than the Madressa or Sanscrit colleges, *ib.* 7216——The pupils of the Madressa and Sanscrit colleges up the country are generally abler men, *ib.* 7211——English scholars are not regarded with respect by the people, *ib.* 7225——English is not regarded as real learning by the natives, *ib.* 7225. 7227——Those who have been educated at the English colleges do not enjoy any higher consideration than those educated at the native colleges, *ib.* 7229——Does not concur in the opinion that English knowledge does not ensure much respect from the natives, *Cameron* 7342.

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The Effect upon our Government in India.—Opinions as to its effect upon our Government in India; the highly educated are remarkable for their loyal feelings towards the British Government, *Norton* 6324——But amongst those not highly educated, but who can read and write English, there is a great spirit of disloyalty, *ib.*——Its effect upon the native mind and probable result on our Indian dominion, *Trevelyan* 6706——There is no danger to our political supremacy from the spread of education in India, *Marshman* 6566——Has no apprehension of danger to the British dominion in India from the progress of education; *Bird* 7182——It will tend to attach natives to European interests if they are allowed a fair and just proportion of public employment, *ib.* 7184——Regards education as a bond of union between England and India, *Cameron* 7450——Is of opinion that the military classes would be less dangerous if educated, *ib.* 7454.

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Education at Hooghley College tended to obliterate the distinctions of caste, *Wise* 6937, 6938——The effect of the new system is, to shake the faith of the natives in their old religion, to improve them in intellect, and in their sense of moral truth, *ib.* 6944——Has had the best possible effect in removing many false ideas of morality, *ib.* 7022 *et seq.*——The effect of the education given in the Government English schools is, that it raises the pupils very much in the knowledge of English literature and science, *Keane* 7878.

The moral effect of English instruction is certainly evil; it does away with a great deal of the influence of heathen discipline, *Keane* 7882——Without substituting any moral influence in its place, *ib.*——Opinions on the moral evils of the present Government instruction referred to, *ib.*——But it is not an unmixed evil to the natives, because there is a great deal of real Christianity imparted, though the Government pretend to say they teach none, *ib.* 7883, 7884——The effect of it depends upon its nature, *Duff* 6229——A thoroughly Christian education decidedly tends to improve the morals of the natives in all respects, *Duff* 6230——Education without religious instruction was very much opposed by a large and influential body at Madras, *Norton* 6283——Nothing but the moral education of the people will check the prevalence of perjury, *Lushington* 4478. 4504.

Education, its Effect upon the Native Religion.—Education in European literature and science tears up Hindooism by the roots, *Duff* 4167. 6099. 6101. 6120——Young men educated in the Government colleges leave their religion without becoming Christians, *Edwards* 5832, 5834——Its effect upon the religious opinions of the Hindoos has been to overthrow many of their superstitions, *Norton* 6380——They did not become avowed atheists or deists, *ib.* 6382——But the education they received had a tendency to shake their own faith, *ib.* 6383——The first effect of an English education is to destroy faith in Hindooism, *Trevelyan* 6781——Reasons why it must tend to convert them to Christianity, *ib.*——Never heard any apprehensions expressed by the natives that education would lead to the adoption of Christianity, *ib.* 6942——Its effect upon the popular superstition does not in the smallest degree interfere with the desire universally felt by the natives to give their children an English education, *Marshman* 6441——The advantages of learning European science and English are so great that the Hindoos run the risk of conversion in order to acquire it, *Bird* 7113. 7183——They send their children to school, well knowing that every attempt will be made to convert them, *Tucker* 8284——Boys and young men who have passed through the Government schools at Bombay are quite infidels as to their own system, *Right Rev. Bishop Carr* 8158.

Evidence as to the desire for Education among the Natives.—Education has made the greatest progress in the North-west Provinces of Bengal, *Thornton* 5974——Where a very interesting experiment is going on with respect to vernacular education, *ib.* 5976——Which is succeeding pretty well, *Edwards* 5785——It is seized upon with great avidity there, while in the Lower Provinces there is great apathy, *Thornton* 5976. 6041——Should think that there is a strong desire on the part of the natives of the higher class for education leading to employment, *ib.* 5972——There are daily increasing opportunities for their employment, *Wise* 6993——There is a great disposition to acquire knowledge for the purposes of getting public employment, *Thornton* 6019——The natives expect that it will qualify them for offices of importance under Government, but it is doing so much less than was expected, *Keane* 7879——Upon the establishment of schools in the Hill districts very considerable anxiety was shown by parents to secure for their children the benefit of education, *Edwards* 5803——There was great anxiety on the part of the children to learn, *ib.* 5821——The disposition to acquire a certain amount of education is a facility to

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EDUCATION—Evidence as to desire for, among Natives—continued.

a Government who are desirous to spread education, *Perry* 5891——The best natives trained in our vernacular schools desire more knowledge, *ib.* 5896——The advantages of education are so felt that in many places the time is arriving when the natives will be able to support the schools themselves; the efforts of Government should be directed to make the schools self-supporting as much as possible, *ib.* 5903——The natives educated at the Government schools have established a number of other schools, and in some instances taught themselves, *Norton* 6318——Every native, however poor, is anxious that his children should be able to read and write their own tongue, *Marshman* 6484.

Effect of an Educational Test as a Qualification for Office.—By requiring a certain amount of education as a qualification for office, an extraordinary stimulus would be given to the cause of education, *Marshman* 6491——Lord Hardinge introduced an educational test as a qualification for office, *Perry* 2701——Would insist upon it as one of the qualifications for office, and it would be a means of spreading a higher tone of morality, *ib.* 2700——An educational test for candidates for public employment, and a right of preference to individuals who had passed, has always been objected to by a small minority of the Board at Madras, *Norton* 6279——And has not yet been carried out, *ib.* 6280——It is absolutely necessary that an assurance of preference should be given to natives who have passed, *ib.* 6303.

Vernacular Education.—The vernacular education has a tendency ultimately to open the way to English education; at Simlah, when the opportunity of learning English was held out, the majority expressed a wish to learn, *Edwards* 5836——When well taught, the desire for English follows as a matter of course, *Perry* 5896; *Thornton* 6021, 6022——In the vernacular schools the education is chiefly elementary; objections to the system, *Perry* 5889——The remarks as to the beneficial effects of education upon those educated in the English do not equally apply to those educated in the vernacular, *ib.* 5915——In rural districts the vernacular education must be depended upon for many years to come; but the advantages of an English education may be conveyed in a vernacular form to the natives, *Edwards* 5835.

By beginning with it at first a greater aptitude is gained for acquiring a knowledge of English, *Duff* 6188——The initial establishment of a system of vernacular education would not speedily create that strong and marked tendency towards the acquisition of English which one might be apt to expect, *ib.* 6193——The secular education given in the elementary schools is exceedingly meagre, *ib.* 6067——The school discipline also is one of extraordinary and crushing severity, *ib.*——Encouragement afforded to it before Lord W. Bentinck's order of 1835, *Wilson* 7238——Result of inquiries instituted in Bengal and Bahar as to the state of education in the native schools, *Duff* 6062. 6068——Extract from the report of the Board of the University of Madras upon the native schools, *Norton* 6319——The education given is very inferior to that given in the English schools, *Marshman* 6485——Was largely encouraged by Lord Hastings, *ib.* 6389——Mr. Thomason has organised a system for the North-western Provinces, *ib.* 6482——It is not regarded by the natives with the same feeling as English tuition, *ib.* 6484——The Government possess at the present time more than they ever had the means of establishing an efficient system of vernacular education, *ib.* 6485——The vernacular schools have a tendency to make the natives eager for English instruction, *ib.* 6487——Have created a desire for a higher degree of instruction in the English tongue, *ib.* 6564——Vernacular instruction alone is an obstacle to getting on with English, *Wise* 6975——Vernacular and English combined is infinitely the best system, *ib.* 6977——Instruction in the vernacular tends to promote the cultivation of English, *Cameron* 7433.

Native Education.—Was divided by Mr. Adams into two great departments; the learned, meaning the higher instruction given through the media of Persian, Arabic, and Sanscrit, and the elementary, given through the medium of the vernacular, either Hindi or Bengali, *Duff* 6062——The learned schools among the Mahomedans are very much akin to the Sanscrit schools of the Hindoos, *ib.* 6085——The learned education is in many respects as unsatisfactory as the elementary, *ib.* 6067——In the Mussulman learned schools they teach Persian and Arabic; morally speaking there is no really beneficial tendency in the education given in those schools, *ib.*——The objectionable nature of the instruction applies to the Mahomedan as well as to the Hindoo schools, but the objectionable parts are somewhat different in kind, *ib.* 6085——An Oriental education cannot be acquired without learning a great deal of the Mahomedan and Hindoo religions, *Trevelyan* 6809.

Educational Grants.—Statement of the provision made by the Government of India for education before the Charter Act of 1813, *Wilson* 7196——The Act of 1813 provided that a lac of rupees annually should be applied for the purposes of education, *Trevelyan* 6865——And a lac is still due annually, from 1813 to 1821, with compound interest, *ib.* 6867——Why not paid between 1813 and 1824, *Bird* 7178——Additional sums have been added, but not avowedly in repayment of the arrears, *Trevelyan* 6869——£. 10,000 was appropriated, *Marshman* 6392——But it now exceeds 50,000 *l.*; has been stated at 66,000 *l.*, *ib.* 6394——Amount of the Government grant for education for the Bombay Presidency, *Perry* 5883-5886——Is exceedingly small, *ib.* 5901. 5908——Difference of

opinion

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EDUCATION—Educational Grants—continued.

opinion on the subject no reason for not increasing it, *ib.* 5905——Amount has been much increased since 1823, from about 10,000*l.* to 70,000*l.* or 80,000*l.*, *Thornton* 6005——The educational fund of the Government ought certainly to be increased, *Duff* 6249——It is entirely insufficient in amount, *Trevelyan* 6868——Ought to be very much enlarged, *Bird* 7120——It is a paltry sum, perfectly inadequate to the object, *ib.* 7177. 7191——It is beggarly and contemptible in the extreme, *Trevelyan* 6684——It should be given indiscriminately in aid of all schools, of whatever religion, *Duff* 6250-6252——Suggestions for its appropriation, *Trevelyan* 6868——All institutions where education is afforded, and which have reached a certain standard, should share in the benefit of the Government grant, *Bird* 7120——There would be no danger in Government making grants in aid of schools, whether they taught Christianity or not, *Right Rev. Bishop Spencer* 8397.

Government assistance to educational institutions ought to be extended to all institutions where a sound education is communicated, the books and system being subject to the approval of the inspector, *Duff* 6249——It should be given simply upon the ground of secular instruction, without any regard to the religion taught in the institution, *Marshman* 6478——Upon their agreeing to pursue the Government course of study in secular education, and to submit to the visits of the Government inspector, *ib.* 6479. 6492——It is quite consistent to afford aid to all schools on condition of good secular education being given in them, irrespective of religious institution, *Trevelyan* 6802, 6803——Should be afforded to all schools in which a good education is given, *ib.* 6846——There is no necessity for withholding it from any school in which the Bible is taught, *Wise* 7031——It would be no violation of the principle of neutrality to afford it to all schools equally, *Cameron* 7408——The objection to it would be the danger of alarming the native mind by granting assistance to the missionary schools, *ib.* 7409.

Suggestions with a view to Government assistance being afforded to schools with reference to secular instruction given in them, *Trevelyan* 6672 *et seq.*——The best way would be to approximate the system in India as much as possible to that at home, *ib.* 6853——But it would require very prudent and very careful arrangements, *ib.* 6856——Conditions upon which it should be afforded, *ib.* 6862——How it ought to be given, *Wise* 7032——It would not be a violation of the Government pledge to take the endowments from the oriental colleges, and apply them to English institutions, *Duff* 6261, 6262——Grounds on which it is afforded to the Hindoo and Mahomedan schools, *Trevelyan* 6844——The amount is altogether inadequate to the importance of the duty to be performed, *Marshman* 6480——The demand for education is such as to absorb and require quadruple, or even fivefold the amount, *ib.* 6481——Government grants might be made in aid of the support of clergymen, dependent upon voluntary contributions, *Bird* 7162.

In order to make the grants for education most available the Government directed attention to be turned to the education of the higher classes, because opinions descend from the upper classes downwards, *Perry*, 5908——What are the influential classes in India, *ib.* ——The means now adopted will have the effect of making education descend to the lower classes, *Thornton* 6016.

COLLEGES AND SCHOOLS:

Schools in general. There is one main division of schools in India, namely, schools in which English chiefly is the medium of instruction; and schools in which the vernacular languages are the medium used, *Perry* 5889——The one English, the other vernacular, *Thornton* 6018——The latter being found to be not altogether sound, the system lately introduced has been to render the whole as homogeneous as possible, *Perry* 5889——Different opinions in India upon the subject of promoting education, *ib.* 5898——The question of religious instruction has never entered into the educational controversies at Bombay, *ib.* 5931, 5932——The higher instruction must always be in English; elementary must be in the vernacular, *ib.* 5899——Elements of English may be taught in all schools, *ib.* 5889. 5899——Government Boards in India are all in favour of the mixed system, *ib.* 5906——Vernacular classes are attached to the English colleges, *Thornton* 6029.

There are one or two colleges for the special education of the sons of Zemindars and distinguished persons, *ib.* 6017——No difficulty was experienced in mixing the children in school by reason of caste, *Edwards* 5805. 5807——No attention is paid to caste, *Thornton*, 5971——They were of all castes, except the lowest of all the pariah caste, *Edwards* 5805——At Bombay they are not excluded by any fixed rule, but by the feelings of Hindoo society, *Perry*, 5909——Had Mahomedans as well as Hindoos in the school at Simlah, *Edwards* 5811——The distinctions of caste do not affect the attendance upon schools, *Thornton* 5973——In the hill schools the only distinction made in favour of the higher ranks was that of having a separate part of the school assigned to them for sitting, *Edwards* 5804——The children were chiefly of the rural class, *ib.*——The missionaries deal with the low castes, *Perry*, 5910. 5937——Low castes defined, *ib.* 5911——They are a very intelligent section, and not given to pilfering, *ib.* 5912, 5913——Those who attend the schools, though of good families, are generally very poor, *ib.* 5919——The attempts to attract pupils of the higher classes made among the old

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Mahratta noblemen, and chiefs, and rajahs have not been very successful, *ib.* 5921——Young Holkar is being very well educated, *ib.* 5922——The Indo-British are not an educated class generally, *ib.* 5944-5947——Purely elementary educational establishments on an extensive scale should be introduced throughout India for the education of the masses, *Norton* 6368.

In the Hill schools the education given was a practical education, something similar to the Government schools in Ireland, *Edwards* 5794——There was an endeavour to give it an industrial character as much as possible, *ib.* 5794-5798——It was all gratuitous, *ib.* 5802——The broad principles of morality were endeavoured to be instilled, but there were no attempts to introduce proselytism, *ib.* 5808. 5810——No religious instruction is given in schools connected with the Board of Education at Bombay, *Perry* 5931.

There is no connexion whatever between the elementary and the learned schools in India; they are designed for two different classes of persons, *Duff* 6072——There were formerly a great many of the Sanscrit schools endowed; several in the north of Bengal are still partially endowed, *ib.* 6073——The tendency of the establishing of better schools in the hands of Government is to afford at once a model and inducement to other native schools to pursue the same course of study, *Marshman* 6399——Those who attend the schools are not by any means all Christians, *Duff* 6242——Statement of the classes attending the different descriptions of schools, *ib.*——Would not wish to see any religious element enforced or directly controlled by Government in the schools, *ib.* 6252——Statement of the numbers attending the Government and missionary schools respectively, *Bird* 7109——Number of the Hindoo and Persian schools in Muttra and Brindahun, *Duff* 6095——In 1828 there were no schools whatever of a public character at Madras, *Norton* 6272.

Government Colleges.—The education given in the Government colleges has produced a class of a higher moral character, and in every capacity far superior to the old native officials, *Edwards* 5825——Would look to the college education for improving the class of natives employed in judicial offices, *ib.* 5831——The collegiate system of education includes a knowledge of English literature, *ib.* 5837——Elphinstone Institution at Bombay sends forth youths fit to challenge those from Haileybury in any branch of education except Latin and Greek, *Perry* 5889——The Government colleges teach the whole range of European literature and science, *Thornton* 5992——In Rourke College civil engineers are prepared for public works, *ib.* 5994——Natives acquainted with civil engineering would be coveted on all sides, *Norton* 6348——In addition to pure mathematics a course of applied mathematics may very likely be given in the Government Colleges, *Thornton* 6002, 6003——In the Government colleges, and in the superior missionary schools, education is carried to a very high pitch, *Marshman* 6400——The education given at the Government colleges has tended very much to free the Hindoos from their old superstitions, *ib.* 5120——And has removed at least one obstacle to the growth of moral principle, *ib.* 5124——Colleges of Oriental learning for sound and enlightened education are worse than useless, *Duff* 6247——There should be classes for local laws and civil jurisprudence, *Norton* 6332——Also for civil engineering, *ib.* 6335——Instruction in art recommended, *Trevelyan* 6635——Plan proposed, *ib.* 6637——Has doubts whether colleges with fellowships is a plan adapted to the circumstances of the country, *Marshman* 6426.

The education of a native, generally speaking, terminates with his leaving college, *Marshman* 6416——Result of an attempt to discover to what extent the natives carry on their education after leaving the public institutions, *ib.* 6422——Very few come to England to complete their education, *Thornton* 6045-6048——The effect of education given at the Government colleges upon the natives has been to make a superior class of persons altogether more trustworthy, of higher moral character, in short very zealous and intelligent coadjutors, *Edwards* 5825——In every capacity far superior to the old run of native officials, *ib.* 5827——We are now educating a very superior class indeed for the public service, *ib.* 5830——It breaks down the spirit of caste, and tends to create a public opinion amongst the educated classes; its tendency is decidedly to introduce a higher tone of morality, *Perry* 5914——The beneficial effects of the education may be traced very distinctly in the superior employments for which the natives are now eligible, *Thornton* 6010-6013——The efforts of Government to a certain extent have had a beneficial effect upon the native mind, though their measures can scarcely be said to have had any operation beyond the Presidencies, and the larger towns and stations, *Wilson* 7273——In point of character, the young men educated in the Government colleges are inferior to those educated in the missionary schools, *Bird* 7118——The papers handed in by Sir Herbert Maddock give a fair specimen of the acquirements of the most distinguished students in the Government Hindoo College, *Duff* 6220.

Government Schools.—Principles upon which they are established, *Bird* 7094——Their origin, *ib.* 7097——They are managed by a combination of natives and British born subjects, *Trevelyan* 6805——Which is very important, with a view to the extension of education in India, *ib.* 6806——They are periodically inspected, but it may be very much improved, *ib.* 6861——The students, though of good caste, almost all of the upper classes, Brahmins or Kayusts, *Marshman* 6415. 6439——Are generally very indigent, *ib.* 6415——The

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——The books ordinarily studied are replete with allusions to the Scriptures, *Trevelyan* 6804——But there is no Christian teaching in them, and why, *Bird* 7095. 7099——But it is too strong an expression to say that the Scriptures are proscribed, *ib.* 7103——The Hindoo and Mahomedan religions are taught conjointly with other things, *ib.* 7096——The effect of the instruction given has been to overthrow the confidence of the natives in their own faith, *Marshman* 6437——But it probably does not sap the foundations of caste, *ib.* 6438. 6441——The children which are maintained in them are to a great extent the children of chuprassies and officers about the cutcherries, *Napier* 930——The Government English schools derive their pupils from the richest classes, *Keane* 7875. 7877——Government schools were all in a highly efficient state, *ib.* 7874——Excepting the Government vernacular schools for the education of the poorer classes, *ib.* 7876——Natives would attend them even if Christianity was ostensibly taught, *ib.* 7885——About 25,000 natives attend them, *ib.*——It was not necessary to exclude the Bible from them, *ib.* 7905——It might have been introduced with perfect safety, *ib.* 7907——Opinion of Mr. J. Kerr, Principal of Hooghley College, on the subject, *ib.*——Concurs in the opinion that it is not safe to introduce Christian instruction into the schools as part of the system, *Tucker* 8287——But would allow Scripture classes where the pupils wish it, and the parents do not object, *ib.* 8288——Believes that Lord Tweeddale never contemplated the introduction of Scripture as a necessary part, but simply that there should be permission to form Scripture classes, *ib.* 8289——Considers the movement against Lord Tweeddale's plan was a mere European movement, *ib.* 8290.

Vernacular and Village Schools.—Established by Government in Bengal were placed under the superintendence of the collector, who rarely took any interest in them; the Board of Education embraced every opportunity of closing them; the general opinion in Bengal was, that the sooner they were closed the better, *Marshman* 6483——Cause of their decline, *ib.* 6486——The Government should pay particular attention to them, and devote a portion of the public revenue to their support, *ib.* 6488——Plan for the establishment of them suggested, *ib.* 6489——In the Bombay Presidency the vernacular schools without at least the elements of English languished, *Trevelyan* 6618.

About four years ago, Mr. Thomason instituted an inquiry into the state of education in the North-west Provinces, and found that out of 23,000,000 only about 68,000 were in the receipt of any education, *Edwards* 5785——He submitted a scheme for instituting village schools; one school at the head quarters of each tasildar, and a circle to be superintended by a native visitor; it is answering pretty well, *ib.*——In the Hill districts there were no schools whatever, but the chiefs came forward liberally to assist in founding and supporting a school at Simlah, *ib.* 5706. 5800——Lord Hardinge attempted to establish village schools in Bengal, but failed, *Perry* 5940——In 1844 he established 100 vernacular schools in the Lower Provinces, but forty have been closed in consequence of the apathy of the people, *Thornton* 6020——At Bombay there are fifty or sixty schools in the provinces upon the plan of the village schools, but there have been complaints of their inefficiency, probably arising from expecting too much from them, *Wilson* 7267.

Oriental Institutions.—The Oriental institutions at Calcutta, and the Sanscrit College of Benares are purely of Government origin, and entirely supported by Government, *Duff* 6255——The oriental languages ought to be taught simply as languages, by one or two native professors, *ib.* 6247——Extent of instruction in the oriental languages at Hooghley College, *Wise* 6953——There is no desire on the part of the pupils to study them, *ib.* 6954——Before the Regulation giving an impulse to English and vernacular instruction, in many cases the students were paid for attending the instruction in the oriental languages, *ib.* 7052——Native institutions should be kept up for the sake of preserving what little good there is in them; as antiquarian establishments they are of some valne, *Bird* 7175——Lord W. Bentinck's order abolishing stipends paid to students gave great dissatisfaction, *Wilson* 7208——But since the modification of it by Lord Auckland public instruction has gone on without complaint, *ib.*——It was considered great injustice to deprive them of funds with which Government had previously endowed them, *ib.* 7250——They want encouragement rather than assistance, *ib.* 7251——The examination in oriental learning at the proposed universities for India would be in the four vernacular languages, excluding Persian, Arabic, and Sanscrit, *Cameron* 7357, 7358.

Remarks on the Educational Service.—A normal school for training masters should be established ten or twenty miles from Calcutta, *Marshman* 6489——The attempt to establish normal schools does not appear to have succeeded, *Wise* 6987——The training system, in its most improved form in this country, should be adopted in India, *Tucker* 8306——Suggestions for the establishment of training schools in India, *ib.* 8307-8310——Remarks on the unfavourable position of the English instructors of the natives, *Cameron* 7362 *et seq.*——Would recommend assimilating their position to the medical service, *ib.* 7365——Would throw the educational service open to competition in the first stage, in this country, but not afterwards in India, *ib.* 7367——They are insufficiently paid; would put them upon the same footing as the civil servants in point of rank and emoluments, *ib.* 7369——In the European schools the professors or teachers are sent from England by the Directors,

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EDUCATION—Remarks on the Educational Service—continued.

on the requisition of the Indian Government, *Thornton* 5977–5983——There is no necessity for a knowledge of the native languages, because the whole system is taught through the medium of English, *ib.* 5984——The teachers for the subordinate English schools are either natives who have learnt the English language, or Englishmen selected upon the recommendation of the Board of Education, *ib.* 5987, 5988——There are fifty-nine colleges and subordinate schools attached to them; the central college may amount to about fourteen or fifteen, *ib.* 5989——The teacher in the Hill schools was neither Mahomedan nor Hindoo; he was a Freethinker, *Edwards* 5812, 5813——The schoolmaster is usually a Brahmin, *Perry* 5909.

Papers laid before the Committee. Report of Mr. Warden, President of the Board of Education, Bombay, April 1853, *App.* (B.) *Second Report, p.* 377——Extract from Report of Board of Education, Bombay, for the year 1850, *App.* (C.) *Second Report, p.* 382——General Report on Public Instruction, North-Western Provinces of Bengal Presidency, 1843-44, by J. Muir, Esq., c.s., *App.* (D.) *Second Report, p.* 393——The English Education Act of Lord William Bentinck, with illustrative remarks by Dr. Duff, *App.* (E.) *Second Report, p.* 397——Lord Hardinge's Educational Resolution, *App.* (F.) *Second Report, p.* 415——Statement of the progress and success of the General Assembly's (now Free Church) Institution at Calcutta, *App.* (G.) *Second Report, p.* 416——Extracts from the Madras "Crescent," &c. &c., relative to the value of religious or Bible instruction in native education, *App.* (H.) *Second Report, p.* 474——Extract from Report of General Committee of Public Instruction, Bengal, for the year 1835, *App.* (I.) *Second Report, p.* 479——Extract from a work on the Education of the People of India, by Charles E. Trevelyan, Esq., 1838, *App.* (K.) *Second Report, p.* 483——Extract from the Sixteenth Annual Report of the Calcutta Bible Association, *App.* (L.) *Second Report, p.* 487——Papers given in by Sir C. Trevelyan, relating to the testimonial to the late Mr. R. Donnelly, *App.* (M.) *Second Report, p.* 488——General Report on Public Instruction in the Lower Provinces of the Bengal Presidency for 1843-44, *App.* (N.) *Second Report, p.* 491——Proposed Plan of the University of Calcutta, *App.* (O.) *Second Report p.* 618——Memorial of Church Missionary Society, for Africa and the East, in reference to the renewal of powers to the East India Company, *App.* (P.) *Second Report, p.* 620——Memorial of Christian Inhabitants of the Presidency of Madras to the Court of Directors of the East India Company, *App.* (P.) *Second Report, p.* 634——Statement of the Progress of Education in India, *App.* (C.) *Third Report, p.* 169.

See also *Adams, Mr. W. Addiscombe. Agra School. American Mission Schools. Barrackpore School. Benares College. Bentinck, Lord W. Bible. Board of Examination. Calcutta University. Chaplains. Cheltenham College. Christian (Native). Church of England. Civil and Military College. Civil Service. Competition. Cramming. Dacca College. Delhi College. Dr. Duff's School. Elphinstone Institution. English Language. English Literature. English Normal Schools. Examinations. Examination Test. Fees. Female Education. Government in India. Haileybury. Hindoo College. Hindoos. Hooghley College. Infant Schools. Kensington College. Libraries. Madras University. Madressa. Maitland (Captain) School. Medical Education. Merit fostering Minute. Missionary Schools. Oriental Literature. Papiah's School. Parental Academy. Poonah School. Proprietary Schools. Puna Sanscrit College. Religious Instruction. Roarkee College. Sandhurst. Sanscrit College. Serampore College. Scholarships. Schools. Translations. Universities. Vernacular Schools.*

Edwards, William, Esq. Has been fifteen years three months in India, 5783——Last appointment was superintendent of the Hill States, and deputy commissioner of Simlah and its dependencies, 5784——Information on the subject of education is chiefly derived from communications with Mr. Thomason, 5785——Mr. Thomason's scheme for village schools described, *ib.*——It is succeeding pretty well, *ib.*——In the Hill districts, under witness's charge, there were no schools whatever, 5786——The Government was entirely under the native princes, 5787.

The education given in the Hill schools was a practical education; there was an endeavour to give it an industrial character as much as possible, 5794–5796——Steps taken to encourage the promotion of education, 5800——The education was gratuitous, and considerable anxiety was shown by parents to obtain for their children the benefit of it, 5802–5804——They were of all castes, except the pariah caste, 5805——The broad principles of morality were endeavoured to be instilled, 5808——But no attempt was made to introduce anything of proselytism, 5809, 5810——The teacher was a freethinker, 5813.

Witness was unable to carry out the project of a female school, 5814——Is of opinion with the late Mr. Bethune, that education in India can not be effectually carried on, unless the education of female children is considered as well as that of the male children, 5815–5818——The children appeared very intelligent, 5821——Does not concur in the statement that a native has a great faculty for acquiring knowledge up to a certain age, after which there is a falling off, 5824——Those trained at the Government colleges

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Edwards, William, Esq.—continued.

colleges were very zealous and intelligent coadjutors in every way, 5825, 5826——The Mahomedans were the more energetic, but the Hindoos were the most intelligent, 5827——The young men do not adhere to their religion, and when in charge of the schools, had to guard against their antagonism to their own religion, 5832——They do not become Christians, though they may be in a fair way of becoming so; should say they are all Deists, 5834.

With regard to the old judicial officials, they are generally a corrupt class, and not to be trusted, 5830——But we are now educating a very superior class, *ib.*——Would look to college education to improve the class, 5831——Considers that the vernacular education has a tendency ultimately to open the way to English education, 5836——Since the change in the system of education at the college of Benares, it has become a very good college, 5839——And discontent at the change was removed by Lord Auckland restoring the emoluments to the Sanscrit and Arabic professors, 5843——The position of the subjects of the native states is most deplorable when compared with that of the subjects of the British Government, 5844-5849——The system is the feudal system of Europe, but deprived of its essential principle "mutual dependency," 5850——At present, our protection of native states is by no means a blessing to the subjects, 5851——We sometimes interfere with the personal liberty of such subjects when we require coolies, 5852-5854——The condition of the subjects of a native state depends entirely on the character of the ruler, 5855-5857.

As Under Secretary to the Government of India, has had an opportunity of forming an opinion of the present system of administration, 5859——It would be highly desirable to relieve the Governor-general from the charge of the government of Bengal, *ib.*——Would make the minor Presidencies completely subordinate to the Supreme Government, 5863——They would be better without councils, if there were councillors from each Presidency in the Supreme Council, 5862-5866——The minor Presidencies would be best governed exactly as Mr. Thomason now governs the North-Western Provinces, 5867——Can see no valid objection on the ground of the army, *ib.*——It would be highly expedient, as a general rule, that the Commander-in-Chief, the Governor-general and the Council should always be together, 5867-5872——Thinks the Supreme Government ought to move about a great deal, and inspect the system of government in all the Presidencies, 5874——A lieutenant-governor advanced beyond the Sutlej would be advisable, 5875——The Lieutenant-governor of the North-Western Provinces has visited the whole of his government twice, if not oftener, 5877.

Electric Telegraph. Will give immense advantages to the Governor-general for controlling the whole administration of India, wherever he may be, *Marshman* 5077——The printing machine sent out by the Directors, with their telegraph, will print 15,000 letters in the course of a single hour, *ib.*——Extent to which it is laid down, or is proposed to be laid down in India, *Thornton* 7516——The cost is about 35 *l.* a mile, *ib.* 7517.

Elephants. Were first actually brought into action at Sobraon, *Viscount Gough* 753——Are exceedingly useful in drawing guns, but they do not like going into action, *Napier* 804.

Elphinstone Institution. The establishment of law lectures and law classes would produce a good effect, *Willoughby* 3144——The education given in it is equal to Haileybury, except in Latin and Greek, which are not taught, *Perry* 5889——The proficiency attained is much the same as at the Hindoo College at Calcutta, *Wilson* 7266.

See also *Education.*

Elphinstone, Mr. His plan of judicial training, making it imperative to commence in the Revenue Department, is the best, *Willoughby* 2998——His minute of December 1823 gave a great stimulus to the cause of native education in Bombay, *Duff* 6086.

See also *Civil Service. Judicial Service.*

Embankments. The embankments made against inundation in Bengal are a source of considerable expense to the Government, *Kennedy* 7679——Originally constructed without much consideration; the space for water is too small, and they are of a section inferior to what they ought to have been, *ib.*——A commission, some years ago, recommended that they should be left to a state of nature, *ib.* 7680——Would be injurious to do away with them until the surface of the land is raised by a system similar to that pursued in the neighbourhood of Florence, *ib.*——System pursued at Florence described, *ib.* 7681——Any project connected with the embankments in Bengal ought to embrace two principles, the general irrigation of the land, and the facilitating the exit of the water after having made its deposit, *ib.* 7685——With a slope of five to one, there is but little danger of damage from the current, *ib.* 7757——Embankments generally remain free from jungle, *ib.* 7759.——*See* also *Canals. Irrigation. Public Works. Railways.*

Engineer Corps. In time of peace, they are entirely employed as civil engineers, *Melvill* 252——Is not aware that any difficulty is found in collecting them in the event of a war, *ib.* 253——The Engineer officers are the *élite* of Addiscombe, *ib.* 254——Every Engineer is sure of a staff appointment, *ib.* 256——When employed on civil duties, they get staff allowance in addition to their regimental pay, *ib.* 258——Promotion is slower in the

Reports, 1852-53—*continued.*

Engineer Corps—continued.

Engineers than in other departments, *Melvill* 257——The authorities in India have expressed a strong opinion that the number is insufficient for the duties that they have to perform, *ib.* 259——And the home authorities have called upon Lord Dalhousie to state the additional number required, *ib.*——The engineer corps is a satisfactory illustration of the combined system of selection by merit and special training; the average ability and conduct is higher than in the civil service, *Trevelyan* 6914.

The Engineers have no soldiers with them, except Sappers and Miners, *Melvill* 245——How they are employed, *ib.*——The establishment in Bengal is ninety-two; in Madras, forty-six; and in Bombay, forty-six, *ib.* 247——There are about 1,000 or 1,200 of the Sappers and Miners, *ib.* 249——With the usual complement of native officers, in addition to the European officers, *ib.* 250——Ten or twelve companies belong to the Bengal army alone; there are also six companies at Madras, and four companies at Bombay, *ib.* 255——The Sappers and Miners are most effective men, men of very low caste, *Viscount Gough* 714——Their pay is the same as that of the infantry, with working pay in addition, *Melvill* 251.

Engineer Department in India. Is little inferior to the civil service; there is great room for professional distinction, *Abbott* 5710, 5711——Every Engineer officer must go to Addiscombe, *ib.* 5674——And after leaving Addiscombe to Chatham, *ib.* 5594——And after going through a course the same as the Royal Engineers, is reported fit for service, *ib.* 5595-5599——A portion of the course is set apart for civil engineering, *ib.* 5598——On arriving in India they join the Sappers and Miners, and remain with them from six to twelve months, *ib.* 5725-5726——The supply of Engineers in India not large enough with a view to internal improvement, *ib.* 5718——There is an inconvenience in taking them from civil works in the event of their being required for military operations, *ib.* 5715-5717——The great trigonometrical operation is entirely carried on by military engineers in the higher branches, *ib.* 5720, 5721.

See also *Public Works.* *Railways.* *Roads.* *Tanks.*

English. There is no example of colonization by the English in any tropical country; the vocation of the race in a tropical country seems rather to be to govern and influence, *Trevelyan* 6740.

English Government. Instance in which it was selected by the inhabitants of a district by universal suffrage, *Trevelyan* 6690.

English in India. Advantages of placing them under equal laws with the natives, *Trevelyan* 6731——Settlers in India would be on the side of the English connexion, and open-mouthed against local grievances, *ib.* 6733——For an indefinite time to come they will stand by the British Government, *ib.* 6734——The English, especially those in the service of Government, should be as cultivated and well-educated as possible, *ib.* 6918.

English Language. Was substituted for Persian as the diplomatic language by Lord W. Bentinck, *Trevelyan* 6611——And when required, a translation, either in Persian or in the vernacular, was sent with it, *ib.*——Advantages attending its introduction into the Political Department, *ib.* 6685——The authorities at Jeypoor desired to write to the Governor-General in English, in order that they might be sure that he received a correct representation of what they intended to say, *ib.*——English is bound up in the closest; possible relation with the vernacular languages of India, *ib.* 6617——Has always regarded it as the great channel of acquisition to the educated few, *Duff* 6195.

Lord W. Bentinck's order may have had the effect of increasing the study of it in Bengal, but not in the Upper Provinces, *Wilson* 7208——The study of it is exceedingly popular in Bengal, more so than in the North-western Provinces, *Marshman* 6391——It appears to have taken the place which Persian formerly occupied in the estimation of the people, *ib.*——Never heard such pure English, either in construction or pronunciation, spoken as by the educated natives of Calcutta, *Trevelyan* 6605——It would be more easily acquired by a Hindoo than Arabic or Sanscrit, *ib.* 6606——It would take ten or twelve years in the Hindoo College to rear a good English scholar, *Wilson* 7217——The knowledge of English acquired at the Government schools is more or less superficial, *ib.* 7211——Would give it all possible countenance where it is attended with advantage; where you can have competent teachers, and have the literature studied, *ib.* 7251——The mere possession of the language has no necessary effect upon opinions and sentiments, *ib.* 7251.

See also *Education.* *Languages.*

English Literature. There was great difficulty in introducing it at Benares, in consequence of the intractable, unimprovable character of the Brahmins there, *Duff* 6090——The mere diffusion of English literature through the vernacular language would, to a certain extent, excite a taste for the English language, but not to such an extent as might be anticipated, *ib.* 6190——European literature and science renders the natives indifferent to their own religion, *Marshman* 6446——It is so deeply imbued with Christianity, that the natives, without ever looking into the Bible, must come to a considerable knowledge of it, *Trevelyan* 6781——Instances in which English works have been translated referred to, *Wilson* 7253.——*See* also *Christianity.* *Conversion.* *Education.*

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English Normal Schools. Should be established in India, *Trevelyan* 6684.

Europeans. Contemplates their almost entire supersession from the Revenue and Judicial Departments, *Trevelyan* 6590——European settlers have a tendency to make our dominion more popular, *ib.* 6744——There may be the same settlement of Europeans in the Hills as there is already in the hill country of Ceylon, *Cameron* 7459——The state of the law in the interior has been a great impediment to the settling of Europeans, *ib.* 7460.

Evidence. The English rules of evidence are not acted upon in the native courts in India, *Pemberton Leigh* 3785——And what has been received and what rejected, unless the subject of appeal, does not come before the Judicial Committee, *ib.* 3786——In the Supreme Court in India it is taken as in this country, *Perry* 2561——In the Mofussil, by depositions and by the native officers of the judge, *ib.*——Who is a very inferior and very ill-paid officer, *ib.* 2682——And upon whose trustworthiness its authenticity entirely depends, *ib.*——All care is taken to secure authenticity, but much mischief creeps in, *ib.* 2562. 2680——Oral evidence is the only evidence on which you could well rely, *ib.* 2679——But if oral testimony is required you must have a greater number of judges, *ib.* 2683.

How taken in the Session's Court, *Lushington* 4440——And in the civil courts, *ib.* 4441 *et seq.*——It is not taken in the Sudder Court; it is a court of appeal, *ib.* 4439——Manner of taking evidence, in administering justice in Khytal, explained, *Campbell* 3946-3951——It is impossible to believe one single word of Hindoo testimony, *Pemberton Leigh* 3757——Want of truthfulness in Oriental evidence is very much exaggerated, *Campbell* 3945——But there is no getting a native to understand what is and what is not evidence, *ib.* 3952——The amount of false evidence given in many trials in India is very great, *Alexander* 1152——Native evidence is very frequently untrue, *Baillie* 3978——It is generally almost all false, both documentary and oral, *Wise* 5252.

Case illustrative of the impossibility of trusting evidence in India, *Lushington* 4455——The corrupt and conflicting nature of it is a great difficulty in the administration of justice, *Duff* 6239——There is no distinction between Hindoo and Mahomedan evidence with regard to truth, *Lushington* 4464——The quantity is not of much value, but the greatest attention is paid to the quality of the evidence, *ib.* 4488, 4489——Evidence obtained in the settlement courts or cutcherries is far better than any other that is known in India, *ib.* 4507——Why, *ib.* 4508. 4510——Thinks we are endeavouring to introduce into the law of evidence in India the very defects which in England they are getting rid of, *ib.* 4626.

The credibility of native evidence has not been affected by the abolition of oaths, *Halliday* 4529——Evidence is better weighed by the natives than by the Europeans, *Alexander* 1152——Would rather rely upon calling into exercise some superstitious feeling, than upon punishment for perjury, in seeking for the truth, *Lushington* 4539——It was not the rule, in petty cases, to take evidence in the presence of the accused; generally they were not summoned until the evidence was taken, *Torrens* 8480——Had great distrust of native evidence; was guided more by circumstantial than by direct evidence, *ib.* 8488——Some of the natives are very accomplished forgers, *ib.* 8558.

See also *Administration of Justice.* *Education.* *Judicial System.* *Oaths.*

Examinations. Examination at school is hardly a test even of a man's ability, *Perry* 2605——Examination upon entering college can never be made a test; it cannot be strict enough without producing a cramming education, which is most prejudicial in every way, *Campbell* 3874——Examinations at Haileybury should be conducted by persons independent of the East India Company, *ib.* 3890——At present it is not near strict enough, *ib.* 3892——Examination tests are required by the statutes of Haileybury, at the close of each term; they operate as a check upon incompetent men, as a loss of two terms in succession, or three in the whole, disqualifies a student from returning to college, *Rev. H. Melvill* 4844.

Examination of the civil servants in India described, *Halliday* 3389, 3390——Examination of the moonsiffs and vakeels described, *ib.* 3329, 3331——They are conducted with the greatest possible attention to fairness, *ib.* 3336——Whoever comes up to the standard receives a diploma entitling him to a moonsiff's appointment in his turn, *ib.* 3339——Way in which the examination for the office of native judge is conducted, *Hawkins* 4292. 4295——Many of the candidates for the office of moonsiff have passed through the examination in a remarkable manner, with scarcely a mistake, *ib.* 4322——Central committee for examinations in India, how constituted, *Halliday* 3392.

See also *Education.* *Haileybury.*

Examination Test. Being founded entirely upon the course of study in the Government College, is considered to be unjust by the missionaries; it has become a great party question, *Marshman* 6455——The difficulties of the question arise out of the neutrality of the Government in regard to religion, *ib.* 6456, 6457——The object has been to modify it rather than to lower it, *ib.* 6456——So that the evidences of Christianity taught at the missionary institution should be considered as equivalent to some other subject, *ib.* 6466——Objects to the examination for admission to the list under Lord Hardinge's minute being by the principals and professors at the colleges, *Cameron* 7349.——*See* also *Education.*

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F.

Family Certificates. In the Madras army every soldier is allowed to assign two-thirds of his pay for the support of his family on going upon foreign service, or on taking the field on active service in India, *Alexander* 1086.

Famine. The last severe famine was in 1832, *Sims* 8782——The Godavery and Kistna Anicuts will have a very beneficial effect in mitigating considerably the miseries consequent upon such visitations, *ib.* 8783.

Fees. Are always required in the Government educational institutions; statement of their amount in Bengal and in the North-western Provinces for twelve months, *Marshman* 6428——Fees in courts can be altered by the judges to a certain extent, *Perry* 2762——They are very high, *Reid* 2864——The courts never interfere with the pleader's fees; by a general rule laid down in 1814 they are a certain per-centage upon the value of the suit, *ib.* 2862.

Female Education. Intelligent natives look upon it as a great object to educate mothers who will educate their children, *Edwards* 5817——Mr. Bethune made great efforts in respect of female education, and contributed most largely towards the establishment of an institution for that purpose, *ib.* 5815-5820; *Perry*, 5949——And Lord Dalhousie supported him, *ib.*——But thinks that since Mr. Bethune's death it has fallen to the ground, *ib.*——At Bombay the young men who had acquired an English education considered the women were not companions to them, and by their own efforts, aided by some Europeans, established schools for instructing their wives and daughters, *ib.*——The heads of the movement are of the Brahmin class themselves, *ib.*——An attempt was made to establish a female school in the Hill district, assisted by one of the wives of one of the chiefs; but it failed on her death, *Edwards* 5814.

It is very unusual for females to cultivate the learned languages, *Trevelyan* 6818——Never knew but one who could read or write Persian, *ib.* 6818. 6822——In ancient times they were taught to read and write, 6818——Does not recollect any injunction to keep them in ignorance, though that is undoubtedly the practice, *ib.* 6823——Instances of educated ladies referred to, *ib.* 6839——The remark that they are kept in seclusion applies generally to the whole of India, *ib.* 6836——Their seclusion did not exist to the same extent before the Mahomedan conquest, *Cameron* 7442.

There is now a sufficient body of vernacular literature of an improving character to furnish the basis of a system for instructing them, and it is rapidly increasing, *Trevelyan* 6818——It is of the greatest consequence in aid of the general system of instruction, *Wise* 7063——Is of the greatest importance, for the Hindoo mother exercises immense influence over her sons, *Cameron* 7436——Mr. Bethune gave great attention to it, *Trevelyan* 6826——Mr. Bethune's bequest of 10,000*l.* in aid of it was appreciated by the European community, but only partially by the natives, *Wise* 7055——The natives educated at the Government schools have turned their attention to it, *Norton* 6318——It was one of the objects of the Madras Social Reform Association, *ib.* 6320.

There is a very strong prejudice against it in the native mind, *Trevelyan* 6824——Objections on the part of the natives to educating females, *Wise* 7056 *et seq.*——There is considerable reluctance on the part of parents to send female children to school, *Cameron* 7438——It is yielding to the progress of enlightenment, *Trevelyan* 6826——It is diminishing, *Wise* 7061——Probable reasons of the prejudice against it, *Trevelyan* 6833; *Cameron* 7439——Does not attribute it to the impure character of their literature, *ib.* 7441——It is of ancient date, *Trevelyan* 6826——Believes that it is of comparative recent growth; has grown up since the Mahomedan conquest, *Cameron* 7440. 7442——Would teach them only English and their own vernacular, *ib.* 7445——Never heard it proposed that females should study the learned languages of India, *Trevelyan* 6819——The idea is quite new, *ib.* 6821——Those educated in Mrs. Wilson's school are usually married to converts to Christianity, *Wise* 7087.

It was wholly disregarded until Mr. Bethune went out; the Governor-general has taken up Mr. Bethune's school, but is not aware that the Government has rendered any assistance as a Government, *Tucker* 8320——The natives have made no attempt in that direction as a body; they are rather opposed to it, *ib.* 8321——Because in Southern India the idea of being able to read is associated with a discreditable profession, *ib.* 8322——The Scotch Free Church school at Madras has now 700 females, and the Church Missionary Society throughout India is educating about 4,400; the other missionary bodies are all promoters of female education, *ib.* 8326——They are taught to work, and they acquire habits of industry, *ib.* 8332, 8333——It does not add to their value as wives, as it does in England, *ib.* 8334——The benefits resulting from these schools appear in the improved habits of the children of such parents on entering the schools, *ib.* 8335——Believes that the female school at Calcutta established by Mr. Bethune is now supported entirely at the expense of the Governor-general, who has declined all offers of assistance, *Trevelyan* 6645; *Wise* 7055——Mrs. Wilson's female school at Calcutta was a very flourishing institution, *Trevelyan* 6826.——*See* also *Education.*

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Female Infanticide. Is now almost suppressed in Kattywar, *Willoughby* 3086——By what causes produced, *ib.* 3088, 3089——Arose rather from the usages of the country than from any distinct religious precept, *Marshman* 6559——Chiefly to obviate the expense of the marriage of high caste females, *ib.* 6563——It prevailed to a great extent in Cutch, *Right Rev. Bishop Carr* 8177——Has been entirely discountenanced by the Rajah, *ib.* 8178.

Finance. A well adjusted system for India founded on estimate and appropriation is still to be accomplished, *Trevelyan* 6880.

Foreign Service. Native troops are always ready for foreign service, *Alexander* 1064——They may not be kept in garrison more than three years away from India, *ib.* 1065——The order for foreign service is conveyed to a regiment by a regular form of letter, the contents of which are translated and communicated to every man in the regiment, *ib.* 1082——One great inducement among the natives to volunteer for it is the provision made for their families during their absence, *ib.* 1097——Attributes the readiness of the Madras troops to go to Rangoon to their confidence in the liberal provision made by Government for them, and to their soldier-like feeling, *ib.* 1118, 1119——There was a similar readiness to go to China, *ib.* 1120——But there was some disappointment at being kept in garrison after the service was over, *ib.* 1122.——*See* also *Army.*

Forfeiture. A Hindoo becoming a Mahomedan would forfeit his paternal inheritance, *Halliday* 3684.

Freemasonry. Never heard it seriously said that freemasonry of a high grade gives extraordinary facilities in communications with Brahmins, *Duff* 6061.

French. Its utility in the study of engineering, *Pasley* 5738.

French, Major Patrick Theodore. Has served in India twenty-nine years, 8894——Statement of services, 8895, 8896——In Candeish there are very few roads, 8898——Observations upon the Bombay and Agra trunk road in Candeish, 8898 *et seq.*——Is not aware that there are any bridges in Candeish, 8905——There are very few tanks; the country exceedingly requires them, 8907——Is not aware of any natural difficulties in the way of bridging 8908——Impediments to trade and navigation in Candeish stated, 8914——It is a regulation province, 8928——Statement of what has been done of late years in the Nemar district, 8917——A good deal was done mainly owing to its being a non-regulation district in no way under the Military Board or Sudder Adawlut, 8917——A great number of roads have been made, 8925——System pursued in the non-regulation province of Nemar described, 8930——Manner in which cotton is brought from the interior on pack bullocks, 8935——And not uncommonly shipped at Broach, described, 8941.

Observations upon the return of trunk roads for wheel carriages in the Bombay Presidency, 8936——Does not dispute the correctness of the return, 8937——The general condition of public works in Guzerat is easily summed up; there are no roads or bridges in all Guzerat, and the ports are in a state of nature, 8939——There is a tramway at Dholerah, which has proved of great utility to the trade of the country, 8940——In Guzerat the material for road-making is very deficient, 8941. 9007——But it would be a simple matter to have the tracks used as roads annually repaired, 8941——The ruts are frequently two feet deep, *ib.*——The roads are concave instead of convex, 8942.

In Bombay Presidency nothing can be done, arising from the impediments caused by the forms required by the Military Board, 8942——The road from Ahmednugger to Bombay is a fair road, 8943——And has caused an enormous increase of traffic, 8944——Is not aware of any outlet for the trade of the Southern Mahratta country direct to the coast, 8945——Viziadroog might be made a harbour of refuge, and the repair of some of the passes leading up to the Southern Mahratta country is very essential, 8946 The better plan for the cotton of Berar and Candeish to reach the coast, is to go to Surat down the Isabarry Pass; it is the natural line, 8947. 8961——Berar produces a great deal of linseed; the trade in it would be very extensive but for the expense of transporting it on pack bullocks from Berar to Bombay, 8948——A good portion of the cotton of Berar goes to Mirzapore, 8949.

Is of opinion that the works which ought to be done would not require a large engineer staff, provided you relieve the collector of a good deal of petty minor detail in the shape of accounts, 8951——He with a staff of uncovenanted assistants could do a great deal of work without any extra engineer officers, *ib.*——The uncovenanted would supply the place of covenanted servants, 8952——And most efficiently; they are extensively employed in the North-west Provinces, 8953——Broach is a port on the Nerbudda river, 8955——It has been sadly neglected, 8956——Good roads cannot be made for want of material; the best plan would be to level and raise the line of country for a road, and mark it out with a drain on either side, 8957.

Statement of the present prospects of the Baroda and Central India Railway Company, 8958——The lines flank the Ghauts, 8963——Believes that they can be constructed and worked at less cost than lines crossing the Ghauts, 8964——And would not be very circuitous

Reports, 1852-53—*continued.*

French, Major Patrick Theodore—continued.

cuitous, 8965——Is of opinion that the introduction of railways would enable a vast reduction to be made in the army, and facilitate its operations, 8966.

With a view to enabling the finances to meet the cost of such works as railways, would recommend doing away with sinecure offices, such as Private Secretary to the Governor, and Military Secretary to the Governor, 8968, 8969——The correspondence of the Governor of Bombay is not very large, 8971. 8977-8979——Applications for appointments, mere matters of form, came in in abundance, 8972——Petitions would be transferred to the department to which they belonged in the secretariate, 8973. 8975——The Governor was not in the habit of answering them either himself or through his private secretary, 8976——The ordinary course is to correspond through the Secretary of the Government, in whose department the matter lies, 8979——Where a Governor is conversant with his duty, a Council is not necessary, 8982——It tends to impede, never originates anything, 8983——Would further suggest the abolition of the Governor's band, 8985——A saving might also be effected by remodelling the garrision staff at Bombay, 8986——Dispensing with the appointment of Military Secretary and Persian Interpreter to the Commander-in-Chief of the Presidency, 8988——And by transferring the public offices of the Presidency to the now useless barracks in the fort of Bombay, 8989——Cannot say how far the suggestions are applicable to Madras, *ib.*——The aggregate saving by adopting the measures suggested would be about 20,000 *l.* a year, 8991.

Would recommend increasing the sum allowed to be expended by the collectors without reference to the Government, 8994——It is now about 500 *l.* a year; would employ natives in the construction of public works far more extensively and in higher positions than they are now employed, 8998——In Nemar found them equal to the carrying out of many works, and perfectly trustworthy, 8997——The Europeans and native assistants acted exceedingly well together in Nemar; it is only on the Bombay side that there seems a reluctance to give them encouragement, 8999——The recommendations of the cotton committee of 1846 have not been attended to, 9000——From the state of the roads and other reasons, the trade with Tunkaria Bunder has fallen off, 9005——The best way of facilitating trade between Malwa and Bombay, would perhaps be to carry out the Governor-general's idea of railways, 9006——In Nemar found that the patells might be safely entrusted with the construction of small tanks, 9011——Many are very intelligent men, 9013——If the roads were improved, the present system of transporting goods by pack bullocks would be done away with, 9017——Does not think that the people would object to the payment of tolls, if good roads were made, 9021, 9022.

The export and import duties have effectually destroyed the manufactures of India, 9023——At present great irregularities exist, 9024——Advocates equal duties; in all respects India is sacrificed to this country, 9025——Does not object to free competition between British and Indian manufactures in India; at present it is not free, 9027——If Lord Ellenborough's plan of raising money by loan could be carried out, it would go a vast way towards the improvement of India, 9028——Is an advocate for the sale of land in India, 9029——Not upon the principle followed on the Bengal side; would allow the cultivator, if he chooses, to purchase the Government rent or tax, all other demands on his farm remaining in force, 9030——Would apply the proceeds to the improvement of the country, 9031——The landed proprietors are becoming day by day extinct; the plan suggested would revive the class and enable the people to invest their money in landed property, of which they are exceedingly fond, 9031, 9032. Annual tours by the Governors are highly desirable, 9035——There is no necessity for a large retinue, and it need not be expensive, 9037——Roads will do much to make India an exporting country, and a vast consumer of English goods, 9038——Candeish presents peculiar facilities for the construction of roads; in Guzerat want of material is the difficulty, 9039.

Funeral Rites. Involve but the very smallest expense; they can as well be performed for 20 *s.* as for 10,000 *l.*, *Marshman* 6498——They must be repeated annually, *ib.* 6523——There is no sum actually prescribed which it is necessary to expend, *ib.* 6524——The conditions of inheritance do not prescribe an expensive performance, *ib.* 6527.

Furlough. The number of officers on furlough on private affairs averages less than one per regiment; on sick leave to Europe, two and a half; the whole on furlough average from four to five per regiment, excluding Colonels, *Melvill* 124——The average number of officers on furlough is less than previous to the opening of the overland communication; no change has yet been made in the system, *ib.* 199. 201——The subject has undergone great consideration, *ib.* 199——There is great diversity of opinion as to allowing the retention of office during absence, *ib.*

Statement of the present regulations as to furlough, *Melvill* 202——*Alexander* 1025——Are the same as in 1796; *Melvill* 216——The total number of officers on furlough is 691; on private affairs 168; on sick certificate 523, *ib.* 211——Exclusive of colonels, *ib.* 212——Believes that it is the opinion of the Court of Directors that some change should be introduced into the system, and that the law requiring officers going to Europe to vacate their appointments should be modified, *ib.* 218.

Distinction

Reports, 1852-53--*continued.*

Furlough—continued.

Distinction between furlough to Europe and furlough within the Indian limits in regard to offices and allowances, *Melvill* 219——If absent on private affairs, he equally ceases to hold his office, whether within the Indian limits or not; he can only hold office, and draw half of his allowances when on sick certificate eastward of the Cape, *ib.* 219-222——An officer can more readily rejoin his regiment from Europe than from New South Wales, *ib.* 224——Officers on furlough for private affairs constantly rejoin their regiments on war breaking out in India, *ib.* 225——There are very few against the proposed new modification of the furlough system, *Napier* 957——Is in favour of letting officers come to England, *ib.*——It is inconsistent and impolitic to allow officers advantages in going to the Cape and New South Wales, *ib.* 958——The reverse would be more beneficial to the service, *Lord Gough* 688——It would be very beneficial if facilities were afforded to officers for their return to England, *Alexander* 984——It would be an advantageous arrangement to allow officers to come home instead of going to the Cape, *Viscount Hardinge* 2087——Furlough for a certain number of months is always granted to the sepoys after returning from foreign service, *Alexander* 1074——The period depends upon the distance they have to go, *ib.* 1077.

Furlough on Sick Certificate.—Regulations respecting furlough on sick certificate, *Melvill* 206——Is in addition to furlough on private affairs if prescribed by the medical authority, *ib.* 207——Would be about one-third of those on furlough, *ib.* 210——Has sometimes been obtained by Bengal officers from the Bombay Government when their own Government thought that there was not sufficient cause for it, *ib.* 217——The reduction in pay and allowances on furlough on sick certificate to the Hills, is the same in all the Presidencies, *ib.* 228——Furlough on medical certificate immediately after return from such furlough must be brought under the notice of the Court of Directors, *Alexander* 1027——An officer on furlough on medical certificate draws his full pay, *ib.* 1028——Such furloughs are sometimes granted with very great facility, *ib.* 1029——They are given upon every fair necessity, *ib.* 1030——The case must now go before a medical board, and then it passes under the supervision of the Medical Board at the Presidency *ib.* 1032——Has known a certificate to be obtained in one division, and be refused in another, *ib.* 1034——The Medical Board has remarked very strongly upon cases that have been sent up, *ib.* 1036——Medical certificates are very often given to go to the Neilgherries, *ib.* 1038——An officer loses nothing of his regimental pay for two years, *ib.* 1039——But he loses half his staff allowance, *ib.* 1040.

Futwah. Futwah, or legal opinion required in the native courts in India, has a very pernicious effect in inducing attention to Mahomedan and Sanscrit learning, *Wise* 6956.

G.

Ganges Navigation. Under existing circumstances, is of opinion that improving the navigation would not be a judicious investment, even if done at a moderate cost, *Kennedy* 7682——Some improvements have been suggested at the rate of 60,000 *l.* a mile, *ib.* 7683——With reference to the Ganges Canal, considers the navigation of the river as secondary to the question of agricultural irrigation, *ib.* 7691.

Ganges Water. The superstition attached to being sworn on it has been thrown away by the law of 1840, *Lushington* 4538.

General Service Corps. There is no difficulty in obtaining recruits for them, *Melvill* 74——They are the same class of men as the others, *ib.* 75.

Ghaut Murders. Evidence as to the extent to which the system is still carried on in India, *Keane* 7839 *et seq.*——Traced two instances in which it was resorted to merely for the purpose of murder, *ib.* 7845——Is of opinion that it might be safely suppressed by the Government, *ib.* 7847——Suggestions with a view to the suppression of the practice, *ib.*

Godavery River. Is not aware of the river having been professionally surveyed, *Thornton* 7539——May possibly be made a cheap and useful outlet for cotton grown in the Berar Valley, and in the Nagpore and Hyderabad countries; but the river is little known, *Sims* 8813.

Golundauze. Are native artillerymen, *Alexander* 1058.

Gonds. An uncivilised tribe below the Nerbudda, *Caldecott* 5460.

Goorka Regiments. Are very excellent corps of little men, very small, without much caste, very useful, all have rifles, *Lord Gough* 757——Are as good soldiers as the Sikhs, and are devoted to us, *Napier* 952——Would not intermix them with the Hindoos, they are such ugly little fellows, 953——Their expansion of chest is enormous, *ib.*——If their pay has not been increased, public faith has been broken with them, *ib.* 954——They are as efficient in the plains as the Europeans, *ib.* 956——They are excellent soldiers, have no caste, are excessively attached to European troops, and have the greatest possible pride in the British uniform, *ib.* 949.

Reports, 1852-53—*continued.*

Gough, Right Honourable Hugh, Viscount, Lieutenant-General, G.C.B. Considers that the dress and equipment of the cavalry, particularly the light cavalry, might be materially improved, 664——Entirely concurs with the evidence in regard to the superiority of the irregular over the regular cavalry, *ib*——The sword is too heavy, *ib.*——The steel scabbard prevents them from keeping their swords sharp, *ib.*——The saddle also is very defective, *ib.*——They have pistols and a proportion of carbines; witness considers the former totally useless, 665——The moment they are off duty they get out of their uniform, 666.

Attributes the superiority of the irregular cavalry partly to their equipment and dress; but they are a better class of men; the officers are men of a very superior class; Mahomedans of a superior grade, 667——Each irregular regiment has three rissaldars, who have 150 rupees, and three reisadars who have eighty rupees a month; they are very well officered, 678——And the Europeans associate more with the rissaldars than with the soubahdars and jemadars in the regular regiments, 679——Which raises the native officers in the estimation of the men, 680——Officers holding a rank similar to that of captain and lieutenant are natives, 681——The men are most obedient to the native officers, as well as to the Europeans, 682——The first class native officer or captain is permitted to entertain four men bargheers in each troop; the next class, or lieutenants, two; and the juniors, or cornets, one; for whom the native officer finds a horse, and for each of whom he receives twenty rupees a month, 682, 683——It is almost universally the practice, if a man at the end of three years wishes his discharge, to give it to him, 667——Considers their pay, twenty rupees a month, inadequate; it should be twenty-five rupees, *ib.*——Thinks that one regiment of light cavalry would cost about as much as two of the irregular, 668——The regular cavalry have from 550 to 560 men, including officers; the irregular from 600 to 800 men, 669.

The European officers with the irregular cavalry are almost universally very judiciously selected; men of high character and professional knowledge, 670——Would object to the regular cavalry wearing the national dress, being commanded by officers in European uniforms, as it would have the effect of marking out the officers to the enemy; the dress of the officers and men should assimilate as nearly as possible, 671——The irregular cavalry uniform is the native dress of a peculiar colour, 672——A dress in which the soldier is at his ease, 673——The head dress varies, but is of a native character, 674——The officers have a fancy uniform assimilating to that of the men, 675——But quite dissimilar to the European dress, 676——There is no indisposition on their part to assimilate their dress to that of the natives, 677——An officer commanding an irregular corps has very much the power of acting as he pleases with the corps; reporting of course to the higher military authorities, and subject to a half-yearly inspection by the general officer of division, who minutely examines every part of the corps, 685——Not more interference with commanding officers than formerly, though witness is aware that a feeling to the contrary is prevalent, 686——It would be very injudicious to leave some commanding officers without supervision, *ib.*——As when a man becomes a lieutenant-colonel you cannot prevent his having a regiment, 687——In the command of natives much tact is required, *ib.*——Any injudicious interference with them might create a very general bad feeling, and very bad consequences, *ib.*——Sometimes after being on the staff for many years officers return to their regiment, having lost much of the knowledge of the routine duty; but witness does not see how that can be remedied; it would be hard to take an intelligent officer from the staff to learn regimental duty; he should not be employed on the staff until he has been four years in the service, 688.

Witness strongly objects to granting advantages to officers going to New South Wales and the Cape, and withholding them from those going to England, 688.——Considers the reverse ought to be the case, *ib.*

A staff officer remains attached to his regiment; it is regimental rotation service until he becomes a lieutenant-colonel, 689——Witness never knew recommendations for military appointments from the Commander-in-Chief interfered with during the time that he held the command; of course the Governor-general is supreme, 690.

Officers in the irregular cavalry are paid very much the same as in the regular cavalry, 691.

The command of irregular cavalry is the most independent position an officer can have in India, 691——His pay is about that of a lieutenant-colonel commanding light cavalry, 692——He still goes on in the seniority rotation of his regiment, 693——He does not provide anything for his regiment out of his pay, 694——Only knew of one half-caste, an officer, 695.

Witness considers the Indian army nearly perfect, 696. 714. 723——Most loyal and ready to do their duty, 696——It is unfortunate that in Bengal only six or seven are general service regiments, *ib.*——Believes the natives would as soon enter for it as for limited service, *ib.*——Unpleasantness always arises from injudicious management of commanding officer, or bad working from without, *ib.*——Native soldiers are very steady, though much depends upon the commanding officer and their confidence in the European regiments with them, the selection of which is the subject of the greatest moment;

Gough, Right Hon. Hugh, Viscount, Lieutenant-General, G. C. B.—continued.

moment; has seen wonderful instances of their attachment to Europeans, *ib.*——European officers are insufficient in point of number, 697——A smaller number of troops more numerously officered would be more efficient, 698——Requirements for staff appointments have greatly increased, 699——Though six captains now to four only before 1834; 700——There is seldom above two captains with the regiment in garrison, 701.

Medical officers are insufficient in point of number; regiments are often without any European medical officer belonging to it at present, 702——Great attention is paid to the medical staff in the field; the machinery is perfect, and nothing could be more satisfactory than the hospitals, with but one exception, the want of attendance arising from the prejudice of caste, 710——Does not know how it can be overcome, *ib.*——Witness allowed one in ten to attend to the wounded, *ib.*——But it is impossible with such a variety of castes to have adequate attendance, *ib.*——Does not think the men would take it from the Brahmins; nor would they perform the duty, 711——Several castes will not take water from a bheestie, 712——Six of whom are allowed to a European and two to a native company; they are well paid, and very useful, 713——Would not therefore enlist natives of a lower caste; served with two regiments of the Bombay army, men of a lower caste, and they did their duty exceedingly well, 714.

Native regiments are not only always at their full complement, but there are generally men with the corps ready to fill up vacancies, 704——The service is very popular in India, 705——Cannot say the proportion the pay bears to the wages of labour, 706——About half is remitted to their families, *ib.*——The pension is a great hold on India, 707——Though expensive and a tremendous drain upon the Company, *ib.*——The law giving to the soldier priority of hearing in the courts is very beneficial, 707. 709——And is now in full force, 708——There is but one clerical assistant in the field, 710.

In the Bengal army an officer is never displaced from his regiment, except upon very urgent occasions, and he wishes it, 715——Sometimes the commanding officer is removed when from his seniority he falls into the command of a large garrison, and there is no alternative but to transfer him or remove his regiment, 716——Sometimes the lieutenant-colonel is removed where there is a very meritorious major under him, and in the same garrison a young captain in the command; for you cannot remove the major, *ib.*——It is never done but upon strong public grounds, *ib.*

Irregular infantry has been raised in the Punjaub with great success, 717, 718——Lord Hardinge raised four regiments almost purely Sikhs, 718——Witness was doubtful of them, and ordered them down the country on the second war breaking out; but four men deserted, *ib.*——Their conduct was very exemplary during the Punjaub war; their officers had the highest confidence in them, *ib.*——Two of them volunteered for Burmah, 719——Thinks they will be equally efficient with the regular infantry, 720. 737——Sikhs are a very superior class of men, 721, 722——The drill is the same as the regular infantry, 724——Lord Clive's army was commanded in the same manner as the irregular corps which are now in existence, 725——But the native states have acquired a far more formidable military character, 726——The Sikh regiments are dressed more like our police at home, and altogether different from the usual native dress, 730. 732——They have but few of the prejudices of caste, 735.

The native infantry soldier is very much cramped in his uniform; would not recommend any alteration, to lessen his resemblance to the European, of which he is very proud, 733——Witness does not think that better care could be taken of the health of the European troops, 738, 739——Stations vary much at different times, 739——It is difficult to say whether the health of the troops would be improved by change of clothing, 743——Most regiments have adopted flannel, 744——The stock is only worn on dress occasions, 745, 746——Witness first established in Bengal the white cover to the cap and forage cap now universal, 746——And the troops have derived great benefit from the Kilmarnock forage cap, 747——The musket is too heavy, 748——Cannot say what weight the sepoy has to carry, 749——The natives have their knapsacks carried for them; the Europeans have their necessaries carried in bags instead of boxes; the knapsack is very useless in India, *ib.*——The sepoy carries three brass pots for cooking, and two are carried in the baggage cart, 755.

It is impossible to have a better set of officers and men than the Bengal artillery, 752——Native as well as European, *ib.*——Very important to keep it efficient, as we are more opposed by artillery than formerly, *ib.*——A great improvement employing elephants to draw heavy guns, *ib.*——They were first brought into action at Sobraon, 753——The guns are eighteen pounders, 754——Most decidedly advantageous to increase the artillery, if the resources of the country will permit it, 756.

There are three or four rifle regiments; all the Goorka regiments have rifles, 757——Witness knows nothing of the Military Board; had nothing to do with it, 758——During the two or three weeks witness was at Calcutta he never missed the Council one day, 760——Witness never knew the army under his command without its regular provisions' 761——Registered followers were at times upon half rations, *ib.*——Objects to sepoys selling part of their food; he could not prevent it, *ib.*——Has heard the Commissariat much abused, but nothing wrong came under his notice; Commissariat officers are not sufficiently under the control of the Commander-in-Chief in the field, 762.

Reports, 1852-53—*continued.*

Gough, Right Hon. Hugh, Viscount, Lieutenant-General, G.C.B.—continued.

Witness thinks it would be advisable to have a chaplain at every station where there are European troops, 763——There is a great deficiency in that respect, 764. 767——It was only owing to the Governor-General being present with the army of the Sutlej that we had a chaplain at all, 767——Had a very effective man in the Punjaub, 710. 767——Applied for one, 771——Thinks that one would have been provided without his applying for it, 772.

Witness has commanded in the field troops belonging to the armies of all three Presidencies, 773——There is a material difference between them; particularly between Bengal and the other two, 774——But this occasioned no detriment to the public service; the Madras troops eat different food; they were fed by their own commissariat, 775——It would be dangerous to make changes, as native troops are very tenacious of their own customs, 776——Thinks it would be injudicious to attempt assimilation in minor points when you cannot assimilate in all, 778——The substitution of bheesties for purkallies was very unpopular indeed, 779——And the abolition of regimental armourers caused a great deal of observation, 780——Found very little discontent in the Mysore division of the Madras army when under his command; had the opportunity of ascertaining that at the half-yearly inspections, 783——The army appeared extremely well-disposed to the Government, *ib.*

The Commander-in-Chief of India is Commander-in-chief of all the Queen's troops in India; but has nothing to do with other commanders-in-chief with regard to the native armies of their Presidencies, 784——All orders for the movement of troops in the other Presidencies proceed from the Government, 785——He might send for regiments of Her Majesty's troops from other Presidencies, with the concurrence of the Governor-General, 786——Never found any inconvenience as Commander-in-chief from the existing system, 787——The armies of all three Presidencies are under the absolute control of the Governor-General, who is supreme, 789——The China war did not cost the Government, or the East India Company, one farthing; the treaties of Canton and Nankin provided for the repayment of the whole expense, 790.

Government in India. Is sometimes called John Company, sometimes the Begum; the natives do not practically know what the governing authority is, *Perry* 2787——Substituting the Crown for the Company would add to the power of Government very much, *ib.* 2789——The native princes would undoubtedly pay more respect to the Crown than to the Company, *ib.* 2795.

Government does not interfere with the exercise of the judicial functions, *Willoughby* 2971——Is liable to be sued, 2971. 3254——And the decision is as often for as against the Company, *ib.* 3254——Has no peculiar privilege when party to a suit, *ib.* 3250——In the civil courts is on exactly the same footing as any of its subjects, *Campbell* 3848——If there is any difference it is rather against Government, *ib.* 3849——As far as the judges are concerned, would say distinctly that Government are under a disadvantage, *ib.* 3851——When Government is a party to a suit the plaint is either by or against the collector, *Willoughby* 3256——The Government in India exercises the prerogative of mercy, *ib.* 2971——And receives reports with reference to the administration of justice, *ib.*——It exercises judicial functions in the case of sentences of political courts of criminal justice, *Willoughby* 3095——The Company's settlements are regarded by the inhabitants of a district as good as an Istemrar, *Trevelyan* 6690.

The check upon check system pervades every branch of the Indian Government, *Willoughby* 3223——Abuses in the administration of affairs in India arise from the mistaken system that has hitherto been followed, *Duff* 4239. 4241——Its principle should be native agency and European superintendence, *Trevelyan* 6572——In India Government is a much more powerful and extensive machine than in England, *ib.* 6644——It is eminently a Government of record, *ib.* 6881——Is represented by the collector in civil suits, *Campbell* 3852——One of the best features in the proposed measure for the Government of India is the admission of returned Indians to the Home Government without a canvass, *Trevelyan* 6897.

Observations upon the proposed plan of filling inferior Government situations with natives in regard to the training of Europeans for the higher situations, *ib.* 6586——It could only interpose for the encouragement of all parties engaged in education by adopting the principles upon which the Government at home has distributed its educational funds, *Duff* 6249——Should firmly and consistently maintain inviolate the fundamental principle of religious neutrality, *Trevelyan* 6799——Its neutrality ought to be continued, *Wise* 7035——In maintaining neutrality Government is mainly influenced by their responsibility for the quiet and safety of the country, *Bird* 7143——Has always avoided doing anything to excite the alarm of the natives, and has succeeded, *ib.* 7145——Believes that our strength in India consists in the conviction the natives have of our thorough integrity, *Tucker* 8368——Opinion that the Government as a Government regard themselves very much in the light of administrators not of the Christian law, but of the law of India, *Keane* 7891——The Government rather leans against the missionaries, *ib.* 7892.

Reports, 1852-53—*continued.*

Government in India—continued.

Government at Calcutta sometimes consults the judges, but not very often, *Reid* 2963——Local Governments have ample power to object to or suggest alterations in proposed laws; also to originate laws for consideration, *Willoughby* 3076, 3077——The Supreme Government should have no local Government, *Thornton* 5861——Minor Presidencies should be completely subordinate, with councillors from each in the Supreme Council, *ib.* 5862-5865——They should receive their orders from the Supreme Government alone, 5865——They should be governed as Mr. Thomason governs the North-West Provinces, *ib.* 5867——The Supreme Government of India ought to move about a great deal, and inspect the whole system of Government in all the Presidencies, *ib.* 5874.

Government Advocate. It would be a very excellent thing to establish it, if put upon something like the same system as that which exists in France, *Campbell* 3853.

Government Native Servants. Their character imposes an awful responsibility upon the Government, *Keane* 7825——Their principle is to oppress, to cheat, and to extort bribes, *ib.* 7827——The autobiography of Panchcowreykan, in the "Calcutta Review," though an exaggerated picture of the system, is in the main undoubtedly true, *ib.* 7829, 7830——The first step to be adopted to remedy the abuse is to pay a man according to his responsibility, *ib.* 7832——Advantages of elevating the character of the native servants of the Company, *ib.* 7833-7836.

Government Offices. All Government offices are managed by a native manager; all candidates for the lower appointments come in by the native manager's selection and interest, *Norton* 6304——Evidence as to the disinclination of the civil servants to employ natives who have been educated at the English schools, *Keane* 7879-7881——They consider their aspirations as much above as their qualifications are below the practical standard of Government employ, *ib.* 7881.

Government Regulations. Are immensely voluminous and complex, *Duff* 6237.

See also *Code Law.*

Governments. More frequently fail in performing their duty from want of information than from want of good intentions, and it is of advantage to have abuses detected and discussed by a free press, *Trevelyan* 6873.

Governor-General. Generally speaking has not been in the hands of the secretary or some other adviser, *Halliday* 3465——He has the power of transferring a civil servant from one Presidency to another, but it would be a novelty, *Trevelyan* 6777——He is supreme in India; all the armies are under his absolute control, *Lord Gough* 789——Must confirm all staff appointments, *ib.* 690——All alterations and innovations in the army require his sanction, *Alexander* 1051.

Governors of Presidencies. Is of opinion that they are better without councils; councils tend to impede, *French* 8982, 8983.

Grain. Is rarely sent after a corps by the grain merchants on their own account, *Burlton* 635.——*See* also *Commissariat.*

Grant, Sir John Peter. His case occurred before the establishment of the Judicial Committee of the Privy Council, *Reeve* 5562——Report and order made in his case, *ib.* 5567.

Grassias. Their pecuniary claims for compensation in lieu of a sort of black mail have been recognised by Government, *Willoughby* 3142.

Guard. It is the duty of the field officer to visit the guard between four P.M. and sunset, and between ten P.M. and sunrise, *Viscount Melville* 1355——The Bombay army mount guard the same as in the Queen's service; at Peshawur objected to a weekly instead of a daily relieving of the guard, 1349.

Guicowar. His Highness the Guicowar surreptitiously obtained copies of minutes recorded by the Government of Bombay relating to the disposal of property in which he was personally interested, *Willoughby* 3302. 3304. 3308.

Guzerat Horse. Was raised for police purposes, *Melvill* 62.

See also *Cavalry (Irregular.)*

H.

Hafiz Suderool Islam Khan. Has resided generally at Madras, 4766——And acted in the capacity of grand juror there, and seen justice administered in the Queen's Court and likewise in the Mofussil Courts, 4769——The administration of justice in the latter does not answer well owing to the appeal to the Sudder Adawlut, *ib.*——The expense of which is a great hardship, 4770——People complain of the expense and delay in the Queen's Court, but are perfectly satisfied with its judgments, 4773——They do not consider that the justice of their claims is properly decided upon in the Company's Courts, 4774——They also complain of the

Reports, 1852–53—*continued.*

Hafiz Suderool Islam Khan—continued.

expense and delay, 4776–4780——The people would be better satisfied if the Supreme and the Sudder Court judges were to preside together, 4781——They complain of the stamp duty in the Company's Courts, 4783——The administration of justice in the Mofussil is more tardy and expensive than at the Presidency, 4787——The incompetency of some of the judges, European as well as native, has been complained of, 4788-4790——Never heard a complaint of want of integrity in the native judges, 4791——A thorough knowledge of the language is essential to a satisfactory administration of justice by the European judges, 4792-4794——They generally know the language, but not sufficiently, 4795.

The Punchayet system in Madras gives satisfaction, 4797——The Punchayet can better detect the veracity of a witness than the judge, 4798——The natives are not satisfied with having to attend that duty without remuneration, 4801——They are selected by the judge, 4803——From the most respectable people he can obtain, 4804——Believes that they have some knowledge of law, 4806.

HAILEYBURY COLLEGE. Appointments are made exclusively by Directors, *Marshman* 5023——Is the mode in which they are remunerated for the Government of India, *ib.*——A nomination by a Director generally stands good, *ib.*——When established Lord Wellesley limited the residence at Calcutta, on being sent to India, to one year; has since been extended to eighteen months, and latterly, in many instances, to two years, *ib.* 5034——It is desirable to remove them from Calcutta as soon as possible, *ib.* 5058——It is said Lord Dalhousie intends requiring them to leave Calcutta at the end of six months, *ib.*

The System of education at Haileybury is capable of very great improvement, *Marshman* 5036——The object of the education in this country should be to complete the European education, *ib.* 5055——It would be desirable to keep them here a year longer rather than send them out earlier, *ib.* 5056——The age of one or two and twenty is as early as is desirable, 5057——Too large a portion of the time of the students is devoted to the Oriental languages at Haileybury, *ib.* 5036——Especially the Sanscrit, *ib.*——The students would not lose much if the study of Oriental languages was done away with, *ib.* 5042——If taught, it should only be the elements, *ib.*——Adequate proficiency in the Oriental languages should be left to the Government of India, *ib.* 5036——If the examination here was more stringent, and nominations more open to rejection, a larger number of able men would be in the service, *ib.* 5028.

Appointments to Haileybury are fewer than to Addiscombe, and are much more prized, *Pasley* 5755——It requires more interest to obtain them, *ib.* 5756——Is aware of one instance only of a cadet receiving a nomination to Haileybury, *ib.* 5751——It is a species of patronage which it is difficult to obtain, *Rev. H. Melvill* 5000——Objections to throwing the civil and military appointments together, and selecting the best for the civil service, *ib.* 5007-5010. 5013, 5014——Has known instances of appointments to Haileybury being thrown open to competition, *ib.* 4945——But is not aware that superior men were thereby obtained, *ib.* 4946. 4999-5006——The result of the fourfold nomination to Haileybury under the last charter was very good, *Perry* 2601-2603——It was a very good rule, *Halliday* 3434——It was a great improvement upon the existing state of things, *Trevelyan* 6904——And it would have greatly lessened the fag end, the bad bargains, *ib.* 6906——The fourfold nomination, if carried out, would amount to unlimited competition, *Campbell* 3874.

About six or seven per cent. of the students at Haileybury do not enter the civil service, *Rev. H. Melvill* 4845——Instances among the students of unwillingness to go to India are very rare, *ib.* 4882——The students attach great value to their appointments, and are very anxious to obtain them, *ib.* 4884.

There are eight professors at Haileybury, one of whom discharges the duty of dean, and another that of registrar, *Rev. H. Melvill* 4813——Duties of the principal described, *ib.* 4814——Duties of the eight professors described, *ib.* 4843——There is a strong feeling of attachment between the professors and the students, *ib.* 4943——The proportion of distinguished professors and students at Haileybury is greater than at the universities, *Trevelyan* 6911.

Preliminaries of admission to Haileybury described, *Rev. H. Melvill* 4815. 4818, 4819——Nature of the preliminary examination described, *ib.* 4817. 4821, 4822. 4832——Students must be seventeen before they can be admitted, *ib.* 4833——And not more than twenty-one years of age, *ib.* 4905——The age of admission is sufficiently high, *ib.* 4993——The examiners are appointed by the Board of Control, *ib.* 4815——And the same men are almost invariably reappointed, *ib.* 4831——Rules under which the preliminary examination is conducted, stated, *ib.* 4823——Suggestions for its improvement, *ib.* 4827——About one-third of the candidates are rejected at each examination, 4828——It seems very strict to those not initiated into it, *Campbell* 3898——The first term at Haileybury is probationary, and the power of not allowing a student to return has been exercised, *Rev. H. Melvill* 4934-4936.

Education in England.—Entirely concurs with Mr. Mount Stuart Elphinstone's views upon the subject of education in England, in his evidence before the Lords Committees

on

Reports, 1852-53—*continued.*

HAILEYBURY COLLEGE—Education in England—continued.

on the renewal of the last charter, *Rev. H. Melvill* 4922-4924——A remodelling of the course of instruction, as suggested by him, would decidedlyimprove the course at Haileybury, *ib.* 4925.

Course of education at Haileybury thirty years ago described, *Reid* 2890——Present course of study described, *Rev. H. Melvill* 4838——The course cannot be less than two years, *Hill* 2217——There is an eminent legal professor at Haileybury, *ib.* 2218——The examination is totally independent of the Court of Directors, *ib.* 2219——Would not extend the period of residence; Objections to doing so, *Rev. H. Melvill* 4906, 4907——There has been great improvement in the discipline of late years, *ib.* 4978, 4979——The discipline is very much the same as in the colleges at Oxford and Cambridge, but more strict, *ib.* 4893. 4989——Rules with reference to students of different religious creeds, *ib.* 4896-4903——The college course is of advantage in developing evil, when it may be corrected, *ib.* 4987——Haileybury has a very important function, the function of probation, *Trevelyan* 6900——Properly worked, it is a very effectual test of conduct, *ib.* 6901——The real uses of Haileybury, *ib.* 6909——Its general effect in forming the character is decidedly good, *Rev. H. Melvill* 4881.

Advantages of the course of education at Haileybury, *Rev. H. Melvill* 4960-4962——Believes that the education at Haileybury cannot be obtained at any other place in this country, *Campbell* 3876, 3877——The courses introduced at Haileybury cannot be united with our general university courses here, *Trevelyan* 6910——There are considerable advantages in having a separate institution for educating youths for India, *Willoughby* 2979——Impovements in the system of education suggested, *ib.* 2980-2986——The system is too much one of compulsion, *ib.* 2992——It is not of importance to keep up Haileybury, *Halliday* 3428——A certain degree of preliminary instruction upon leading subjects is given at Haileybury, *ib.* 3394——But more time should be devoted to the study of the law, and subjects of a cognate character, *ib.* 3397-3400——The study of law, jurisprudence, and kindred subjects may almost be said to be voluntary, *Campbell* 3863——The amount of legal education given is sufficient to enable a man to follow up the study of the law afterwards if he wishes to do so, *Millett* 2266——Advantages of a course of instruction in the application of mathematics to matters of industry, *Trevelyan* 6915 *et seq.*——Extent to which instruction in the classics is carried at Haileybury, *Rev. H. Melvill* 4926 *et seq.*

Division of the time of the students between European instruction and oriental languages, *Rev. H. Melvill* 4849——The principle laid down by the Court of Directors in 1802, with regard to the advantage of the student applying his time in Europe to an European education, is not maintained in any considerable degree, *ib.* 4859——A great proficiency might be obtained in European studies, by withdrawing the student from oriental studies, *ib.* 4963——Haileybury as it now stands might be made much more available by giving up to a great extent the oriental languages and substituting European subjects, *Campbell* 3870——The attention should be confined to European education, with only an elementary knowledge of the languages of India, *Millett* 2282——The time devoted to the oriental languages is not advantageously devoted for the future success of the student, *Campbell* 3865——The oriental languages are taught in an inverse ratio to their usefulness, *ib.* 3868——Too much time is devoted to them at Haileybury, *Marshman* 5036——The study of them might be done away with, but if taught it should only be the elements, *ib.* 5042——Too much time has been given up to them, yet a certain extent of instruction, especially in the vernacular, can be better communicated in this country than in India; it is better acquired from a well-instructed European teacher than from a native teacher, *Trevelyan* 6897. 6900——Proposed limitation of the study of the oriental languages at Haileybury, *ib.* 6897——Instruction is given in Arabic voluntarily, either by the Persian or the Sanscrit professor, *Rev. H. Melvill* 4844——Statement of the oriental languages now taught at Haileybury, *Wilson* 7291——Considers Sanscrit the most important part of the education, *ib.* 7296——And why, *ib.* 7297-7299——Some of the students acquire a very respectable proficiency in Sanscrit, but the majority little or none, *ib.* 7301——How the students are enabled to pass the examination, *ib.* 7303——The course of study at Haileybury has a very favourable influence upon the result of the examinations in the languages in India, *ib.* 7314.

Objections to making the result of the course at Haileybury more precarious, *Rev. H. Melvill* 4933——The system of rewards for meritorious students explained, *ib.* 4862——It works well, and produces abundant competition, *ib.* 4863——Manner of forming the printed examination lists explained, *ib.* 4864 *et seq.*——Monthly reports of conduct and proficiency are sent to the parents and guardians, *ib.* 4873——With very good results, *ib.* 4874——Students distinguished in one department, are generally distinguished in all the rest, *ib.* 4860——Students who have distinguished themselves at college, have generally become very excellent civil servants, *ib.* 4939——How certificate of rank among the students is determined, *ib.* 4980——Effect of losing terms, either by being plucked or by rustication, *ib.* 4983. 4974-4976——Objections to taking the examination at Haileybury out of the hands of the professors, *ib.* 4886——The professors have power to raise their own standards, *ib.* 4941——The reason why they do not do so is, that it would be to raise the tests, and the tests are fixed by Act of Parliament, *ib.* 4942——If students were

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required to be better grounded in mathematics in the preliminary examination, they might be instructed in civil engineering and such other subjects of great importance to them in India, *Rev. H. Melvill* 4965. 4994-4996——The provision in the present Bill, for an examination by independent examiners in the last term, is of the greatest value, *Trevleyan* 6908.

Average expense of Haileybury to the students, *Rev. H. Melvill* 4887——Number of the students, *ib.* 4890——Average annual expense of the establishment at Haileybury, *ib.* 4889——On the whole, the conduct of the students with regard to expenditure is exceedingly good; every check is put upon their expenditure, *ib.* 4891——The expense arises very much from the high price of Oriental books, *ib.* 4950——It amounts to about 200*l.* per annum, including everything, *ib.* 4952——The Directors visit the college twice a year, *ib.* 4971——Has no reason to believe that their presence has any influence upon the examination, *ib.* 4971, 4972——The Court of Directors have no power to make any laws regulating the establishment; the laws are all made by the Queen in Council, *ib.* 4977.

See also *Civil Service.*

Haileybury College Library. How maintained, *Rev. H. Melvill* 4894——It is very much used by the students, *ib.* 4895.

Half Caste. The great bulk of them is to be found at the Presidencies, *Duff* 4192——Generally speaking they do not abound much in the interior, *ib.* 4195——Number of them in the Bengal Presidency, *ib.* 4184——They are not respected by the people of India in the same degree as Europeans, *Ryan* 2417——They feel that they have been looked down upon and despised, *Duff* 4182——Lord Metcalfe's opinion of them referred to, *ib.* 4183——They dislike the appellation half caste, *ib.* 4180——They have called themselves Indo-British Eurasians, but for many years past the name they have fixed on is East Indians, *ib.* 4181.

They have been making great and laudable efforts to improve themselves, *ib.* 4183——Have been making great efforts to educate themselves, and very successfully; their institution at Calcutta, called the Parental Academy, is one of the best conducted seminaries in India, *ib.* 6244——In the schools a fair proportion indicate as much capacity as the Hindoos or Mahomedans, *ib.* 4196——They will bear comparison with the Hindoos, taken as a body, high and low caste, *ib.*——From their training and education as Christians, they exhibit on the whole a higher style of character than the native boys, *ib.* 4198——Nominally and professedly they are almost all Christians, *ib.* 4200.

They form a proportion of the native judicial establishment on the Bombay side, *Willoughby* 3038——Many of them are employed in the secretariate, *ib.* 3307——Have been highly spoken of by those under whom they have been officially placed, *Duff* 4183——And of late years they have been getting more into public offices and into higher posts; their condition is a rising condition, *ib.* 4187——Have been spoken of as having considerable aptitude for civil office *ib.* 6245——Has no doubt but that in point of qualification they would be found equal to the average number of covenanted civil servants, *ib.* 6246——Some of them get on remarkably well as vakeels, *Hawkins* 4321——Is only aware of one instance of a half caste among the officers of the irregular regiments, *Viscount Gough* 695.

Halliday, Frederick James, Esq. Statement of services in India, amounting altogether to upwards of twenty-seven years, 3310——Two appointments which witness did not exercise were given to increase his allowances, 3311——It was a more common arrangement then than it is now, 3315——It has been for years entirely discontinued in the Lower Provinces, *ib.*——Opinion upon the administration of justice in India, 3317, 3318——The system of appeals is defective, being from one single mind to another single mind; suggestions for the improvement of the system, 3323-3325——Would recommend an English and a native judge sitting together to hear appeals, 3325——Who like to see a native judge sitting in the Sudder Court, *ib.*——Improving the training of the judges, both European and natives, is desirable, 3319, 3320——With regard to native judges, would recommend something like a university, with a body of examiners empowered to confer degrees, 3321——They are deficient in a knowledge of the principles of jurisprudence and the laws of evidence, 3323.

Practically for a number of years the Mahomedans have been preferred over the Hindoos for the office of native judge; the Hindoos, however, regard the Mahomedans in that respect as deficient, and even stupid, 3326——Class of society from which they are taken, 3327, 3328——Improvements in the judicial class need not directly improve the vakeels, except from the desire of the judges to get rid of improper persons, 3329——Nature of the examination that the moonsiffs and vakeels undergo, 3330——There are native judges upon the examining committees, 3331——The extension of educational establishments with a view to legal studies would be a better system; concurs with Mr. Cameron's recommendations, 3332-3335——The examinations are conducted with the greatest possible attention to fairness, 3336——And whoever comes up to the standard, which is high, receives a diploma, which entitles him to receive a moonsiff's appointment in his turn upon a vacancy, 3339——The decisions of the judges of the English

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English courts are now printed and published, but the practice has not yet been extended to the native courts, 3340, 3341——The knowledge of English is increasing, though the number of native judges who understand it is at present small, 3342——The extension of the English language is very much to be desired, 3343——But considers that its use in judicial proceedings is now only applicable to the Sudder Court, where it is chiefly used, 3345——Could not think of advising that in any province where the judge now conducts his business in the vernacular of the country it should be changed to English, *ib.*

The bar of the Sudder Court is a very respectable bar indeed, 3346——Several practise there who speak English, 3347——And are able to maintain their own against English counsel, 3349.

The administration of justice by native judges in the provinces is very much too complicated, 3350——A great number of appeals turn upon matters of form and technicality, and in that respect it chiefly requires and is capable of great amendment, 3352——Would transfer a large portion of the litigation to courts of summary jurisdiction, and in other cases have one original judgment and one appeal, with a special appeal in cases of peculiarity in law or practice, 3386——Stamps upon judicial proceedings are not defensible upon principle, 3354——The revenue derived from them is not very great in amount, 3357——Litigation in the Supreme Court is more costly than in the Company's Court, 3358.

Small Cause Court at Calcutta has worked exceedingly well, 3360——The mode of proceeding has been perfectly simple and very economical, 3361——It would be advisable to assimilate the ordinary courts of the country to it, 3362——The difficulty would be to entrust final jurisdiction to native judges, many of whom are inadequately paid; on the whole it would be better to run the risk, 3363——The present salary of the native judges is generally thought to be insufficient, 3364——About one-eighth of the decisions of the native courts are actually appealed, 3365.

An amalgamation of the Supreme Court and the Sudder Court to make a court of appeal would be advantageous, 3367——Would be no objection to admitting an eminent native to sit in that court, 3368——A combination of the Sudder Court, and one judge or two judges from the Supreme Court, with one eminent native judge, would be a fair substitute for the present appeal to the Privy Council in England, 3371, 3372——Does not attach any importance to the appeal to the Privy Council, 3372——Thinks it ought to be discontinued, 3378——Would abolish it altogether with reference to appeals from the courts of the Company, 3380——But if continued, it would be of advantage to place a gentleman practically acquainted with the law in the Mofussil upon the Judicial Committee, 3381——Cases between the people of India and the Government of India would be better provided for by having at the head of the Court of Appeal in India an English lawyer, perfectly independent, and a carefully selected native, than by appeal to the Privy Council, 3382-3384——It would be advantageous for the English judges, under certain regulations, to go round by way of circuit, 3369——The judges of the Sudder Court at Bombay go round, and make very useful and interesting reports on their return, 3370.

Examination of the civil servants in India described, 3388-3390——Considers the third examination at present too strict, 3389——No man can be appointed a magistrate until he has gone through the examinations, 3391——Constitution of the central committee for examining the civil servants, 3392.

It would be a desirable change to extend the time at Haileybury for the study of the law, political economy, &c., and to exclude the study of oriental languages, 3394-3400——It would be better acquired in Calcutta or in the interior, 3401——And the elements of the language would be better obtained at the Presidency than in the interior, 3406-3409——They sometimes learn a language which is no very great use to them, 3424——No man should ever receive an appointment in any province in the language of which he had not passed an examination, 3438——On arriving at Calcutta he knows whether he will go to the Upper or remain in the Lower Provinces, 3438, 3439——Would keep a young man at Calcutta for some six months or so after his arrival in India, 3402-3405——Of late years the young civilians at Calcutta live very much together; three or four join in taking a house, 3410-3416——The practice of getting into debt has very much decreased, 3416-3423——Does not think that it is of any importance to keep up Haileybury, 3428——The fourfold nomination under the Charter Act was a very good rule, 3434——Would not desire that the military school should be abolished, 3436.

Is of opinion that training for the judicial office should commence in the Revenue Department, 3442——Would like to see the office of registrar re-established, 3443——But not without jurisdiction, 3445——On the whole it is better to run the risk of mal-decision in small cases than have no means of training at all, 3443.

Is desirous of seeing the offices of magistrate and collector continue united, 3446——They are united everywhere but in the Lower Provinces of Bengal, *ib.*——The removal of civil servants from one province to another is not disadvantageous, if carefully and judiciously done, 3448——Acting appointments can scarcely be said to exist, 3449——If after becoming a registrar a young man is to be continued in the judicial service he

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ought to have sufficient practical acquaintance with the Revenue Department before he is made registrar, 3450——Merely passing nominally through the office of assistant collector would not give him sufficient experience, 3451——Considers seven or eight years after arriving in India to be about the proper time to put a young man to select his branch of the service, 3457.

The government of the deputy-governor of Bengal is looked upon as a weak government; he is regarded as a secondary person entirely, 3462——Mr. Bird's is the only case witness recollects of full powers being confided to him, 3463——The necessity of constant reference goes a great way to weaken the local government, 3464——Governors-general have been usually quite strong enough for the purposes of good government, 3465.

The best way to settle the proceedings of the Law Commission and the question of the Macaulay Code is to strengthen and improve the Legislative Council of India, and leave it in their hands, 3466——No good would result from considering the matter here and then sending it to the Legislative Council to be enacted, 3467——It would be almost impossible to pass the matters here in the form of an Act of Parliament, 3468——Thinks if properly constituted the Legislative Council would carry such code into effect in a reasonably short time, 3470——Under existing circumstances, however, it would be better to settle the Penal Code here, rather than wait for its settlement by the Legislative Council in India, 3493-3496——There is no difficulty in translating any but the most technical and English-like laws into any of the native languages, 3472——Wishes to have the Legislative Council enlarged, 3475——Proposed plan, 3476. 3478-3482——It would be entirely distinct from the Executive Council, 3477——The plan goes to incorporate the Law Commission, or something like it, into the Legislative Council, 3481——Thinks that native assistance could only be obtained as now, second hand, by consultation and correspondence, 3483-3486——Would not employ a native as an assessor, 3501——The natives now exercise, indirectly, very much influence over legislation in India, 3487——Would rather see the legislative power centralised than a power given to each Presidency to pass regulations, 3497——Except in cases of emergency, 3497——But then not to extend to taxation, 3498.

[Second Examination.]—Gaols are not in a very satisfactory condition, especially in the Lower Provinces, 3502——Some account of them, *ib.*——The new system of messing has been strongly objected to by the prisoners, 3502, 3503——And has caused open violence on the part of the prisoners, which was only repressed by the military firing on them, 3502-3506——They formerly cooked their own food, 3518, 3519——On the whole, the introduction of task-work has not been successful, 3506——The mortality in the gaols is not very considerable; but as soon as you attempt to enforce proper severity they begin to die off; the native constitution cannot stand it, 3509——Corporal punishment, except in petty cases of theft by boys, and under peculiar limitations, is done away with, 3511——The division of caste proved to be much more minute than was supposed, and infraction of caste has led to serious outbreaks, 3519. 3525——The whole effect of imprisonment is unquestionably the infliction of very considerable privation and pain, and has great terrors for the natives, 3526-3530——The longest period is for life, but that has been as much as possible commuted to transportation for life, 3534——The system of punishment by transportation to the Straits is deserving of the highest approbation, 3536——The convict labour is very valuable there, 3538——And though the expense is charged against the settlements, 3541——The reception of the convicts is very far from being made a matter of complaint, 3542——Crossing the sea involves quite a violation of caste, and the transportation being always for life, convicts rarely come back again, 3545——In the settlements they receive what is equivalent to tickets of leave, 3546——Subordinate officers in the gaols have rarely been in the army; they have generally been about the police, 3551——Of late years there has been a disposition, in the larger gaols, to employ Europeans, 3556——The gaol is under the magistrate, who usually visits it at least once a day, *ib.*

Description of the persons employed as gaolers and in subordinate offices in the gaols, 3551-3561.

The state of the police is not so satisfactory as could be wished, 3562——The subordinate officers are generally very much underpaid, and are extremely corrupt, 3563——Statement of each separate rank, and the pay, 3564——By whom, and how paid, 3565-3567——Plan proposed for increasing the efficiency of the village watchmen, 3568-3570——The police in districts in which the village system exists is much more efficient than in Bengal, 3578——Way in which the Burkandazes are appointed, 3581-3587——The efficiency of the police depends very much upon the character of the magistrate, 3588——Though crime cannot be said to be diminishing in extent, it is diminishing in activity, 3589——Dacoities in the Lower Provinces are as numerous as ever; in Calcutta rather more numerous, 3589-3592——Suggestions for increasing the efficiency of the police in the Lower Provinces by increasing their pay, and obtaining the co-operation of the zemindars in the suppression of crime, 3599 *et seq.*——The police are oppressive and extortionate towards the natives of Bengal, 3609-3611——More so than in the Upper Provinces, 3612——The

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——The general feeling of the service is to show great courtesy and consideration towards the natives, 3606-3608. 3614-3618.

The present generation is very little answerable for the abuses in the administration of justice and abuses in the police, 3619——Too great an approximation to the English system has in many cases produced failure; the endeavour now is to build upon what is good in the native system, *ib.*——Probably there would be no greater difficulty in governing India now through the natives than in the time of Aurungzeb, 3621-3623——Natives are employed a little in the internal administration of affairs in Calcutta, 3624.

The effect of the resumption of rent-free tenures is not necessarily to destroy a great many of the ancient gentlemen of the country, 3627——To what cases the resumption laws were applied; they were only applied where the sunnuds were not forthcoming or fraudulent, 3628——Limitation to which they could be carried back, 3630. 3636-3638——Remarks on the decision of the Privy Council, 3631-3635.

The fair way to look at our administration of justice in India is to compare it with the best system of native government before our rule, 3639——Strict adherence to promotion by seniority is not consistent with the good administration of the judicial system, 3645-3647——Very great advantage would be derived in the Lower Provinces from tours made by the Governor, 3648.

The resort of Englishmen to India has not been so great as was anticipated, but on the whole has increased, 3653——The lex loci was intended to put an end to the anomalous state of the law in the Mofussil as regards all persons, 3654-3656.

Would not object to a penal code for India; but with regard to civil matters, we know too little to trust to any code, 3658-3661——Has no great faith in codification; does not think that a code has anything to do with the settlement of Europeans in India, 3666——It would be a disadvantage to them, 3667——The settlement of Europeans depends entirely upon the means of profitable employment, 3669-3672——The Legislative Council, as proposed, might be enabled to pass a law upon an emergency, 3663-3665.

Laws are promulgated by publication in the Gazette, and translated into the native languages in the different Gazettes of the Presidency; both before and after they are passed, 3674. 3691-3693——Remarks upon the liberty of conscience law, 3677-3685——The courts have compelled wives to live with their converted husbands; but such cases frequently cause great embarrassment, 3686-3690.

The native press is a curious problem; does not apprehend any danger from it, 3694——The circulation is very small, 3695——There would be difficulty in dealing with it if found dangerous, 3694. 3715——Public opinion at Calcutta has very little influence over the Mofussil, 3696-3702——The opinion of the people of Benares would have far more influence in India, 3704. 3706——Effect upon the population of appointing natives to high office and distinction, 3702. 3708-3713——Something like Mr. Charles Wynne's administration of his patronage, if adopted, would be an improvement, 3719——All opportunities should be taken of bringing forward the natives in the administration of their own country, 3721——The appointment of deputy magistrates has on the whole proved very satisfactory, 3721 *et seq.*——And so the deputy collectors, 3729.

[Third Examination.]—Reasons which led to the change in 1840 of substituting a declaration in lieu of an oath, 4528——Although the same reasons which influence the Hindoos, did not apply to the Mahomedans; yet they also had a strong objection to taking an oath, 4528.——Is not disposed to come to the conclusion that it has had any effect either one way or the other on the credibility of evidence, 4529——Christians, whether European or natives, are sworn in all courts the same as in England, 4530.

Hardinge, General Viscount, G.C.B. Was Governor-general of India, about three years and a half, during the Sikh invasion, 1971, 1972——Considers the native troops are very efficient as an army from living always under tents or in huts, and able to move at any moment, 1974——Observations on increasing the number of European officers, 1975-1979——A larger proportion would probably be advantageous, 1975——To make the regiments more effective with economy, the way would be to increase the number of captains, 1976——But it would be a doubtful remedy, *ib.*——The proportion ought to be one captain to two subalterns, 1976——The best officers are taken for staff appointments, 1976. 1986——A staff corps has been suggested ever since Lord Hastings' time, 1977——And very carefully considered, 1978——Recommendations in the case of an increase in the number of officers, *ib.*——Plan proposed would ultimately be a saving to the Company, 1980——Increase not so necessary in the cavalry as in the infantry, 2004——Would be difficult to seconde officers similar to the system of seconding artillery and engineers without disturbing the proportion between the grades now existing unless they were merely lent for the moment from other regiments, 1984——Opinion upon taking officers from their regiments for staff appointments; it frequently tends to make them upon the whole better officers, 1985——Having held the command of an irregular corps would be a great advantage to an officer commanding a regular regiment, and one means of getting rid of some of the difficulty of the question, 1988.

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Evidence touching the artillery, 1989-1996——As excellent a force as any that exists; very efficient; both scientific and practical, 1989——Recommends more nine-pounder guns to the horse artillery, 1990——Field batteries are all nine-pounders, and with 130 horses to each were very efficient; the nine-pounder horse artillery batteries were very efficient during the Sutleje campaign, *ib.*——But could not keep up with General Gilbert, after the battle of Guzerat; he went on with the six-pounder batteries, *ib.*——Nine-pounders bored up to twelve-pounders, did very well at Sobraon, *ib.*——Does not see the use of a driver on every horse, 1991——Prefers the Madras and Bombay system, 1992——Heavy artillery is drawn by elephants lengthways one before the other; can be drawn almost anywhere; six 18 pounders caused the surrender of Kangra, 1995——Elephants are not taken into action, 1996.

Evidence upon the cavalry, 1997-2012——Of late years the opinion in India is in favour of the irregular cavalry; they are more manageable for operations than the regular cavalry, 1997——The latter are drilled the same as the European, 1998——The drill of the irregular is much the same as the yeomanry here, 1999——The Governor-general's body guard charged admirably at Moodkee, 2000, 2001——European officers to cavalry regiments are larger in proportion to the men than in the infantry, but not in the aggregate 2002, 2003——The irregular cavalry force is the largest, 2007——They take police duties, which deteriorates the discipline, 2009——By the present arrangement each regiment takes three years police duty in rotation, *ib.*——The officers alone of a regular regiment cost nearly as much as the whole expense of an irregular corps, 2011——Whatever change is made in the dress, the red coat ought not to be given up; the natives take great pride in it, 2012. 2015——The dress is too tight, 2012——So is the stock; it causes disorders in the eyes, 2014——And the shako is too heavy, 2012-2014——Also the musket, 2016——The proportion of cavalry to infantry is too small 2017——Want of cavalry materially diminished the advantage gained by the artillery and infantry, 2017.

Commissariat department, 2018-2030——Is quite sufficient for the European portion of the army in the time of peace, when the native army feed themselves, 2018——But is quite inadequate for the duties required when the army is in the field; then an arrangement is made with contractors and agents for furnishing the necessary supplies, *ib.*——What the usual arrangement is, *ib.*——Bengal Commissariat is a department simply for peace, *ib.*——It is nominally under the Military Board, and a worse arrangement could not be made, 2019——Had better be done away with, 2022——Accounts are audited under the Military Board upon documents produced, 2020-2022——Accounts have been postponed for years, 2023——Military Board is somewhat similar to the Ordnance Department in construction, and have to attend to public works; amalgamation and consolidation have been carried too far; they have to perform executive duties, *ib.*——Constitution of the Board, *ib.*——Is not aware of abuses in the Commissariat, but the accounts are very complicated, 2024, 2025——The charges against the Commissariat are more applicable to the native contractor, 2028——The troops were properly supplied in witness's campaigns, 2029——Troops were properly supplied in the march to the Sutleje by the energy and knowledge of Major Broadfoot, 2029——Would form an independent Commissariat Department by itself, 2030——Composed of military officers, 2031.

Thinks a Board with a staff of officers, each having distinct and separate duties, works better than one individual; a Military Board, such as the Board of Ordnance, works remarkably well if each separate department has a responsible officer at its head, 2032——Human strength cannot get through the duties of the Military Board; there is no head to see if the duties are properly performed, 2033——Ordnance Department under Duke of Wellington, how constituted, 2032, 2033——There is no president to the Military Board, 2034——Questions are decided by a majority, 2035——Public works would be greatly facilitated by a separate department, 2037, 2038.

Pensioning system is of the greatest importance, 2039——It is the great link by which we hold the affections of the sepoy; he always looks forward to his pension, relies on our good faith, and anything to weaken that impression would be most prejudicial, *ib.*——Felt very strongly upon some alterations about 1833 or 1834 with regard to pensions to wounded soldiers, 2040——Examined the question very narrowly after the battles on the Sutleje, *ib.*——About 50,000 in the three Presidencies; majority located in Oude, *ib.*——Nothing should be done to affect the pensions, *ib.*

There are two orders, the order for distinguished service, and the order for merit; the latter is too limited; there is difficulty in selecting, 2041, 2042——Would recommend doubling the number, and give it for good conduct as a soldier, as well as good conduct in the field, 2041——A man would go back with his medal and pension, and be looked up to in his village, *ib.*——Good conduct pay is given, 2043——Is confident native officers ought to be promoted by seniority; you gain in policy what you lose in efficiency, 2044——Soubahdar is equivalent to our captain; jemadar, to our lieutenant; havildar, serjeant; and naick, corporal, 2045——Recommended that serjeants in the European army who had distinguished themselves should receive commissions; those so selected were generally placed in other situations; chiefly uncovenanted situations, and have behaved remarkably well, 2046.

Barrack accommodation is good; generally the fault has been that the rooms are not high enough, 2047——Barracks have been improved latterly, *ib.*

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Hardinge, General Viscount, G.C.B.—continued.

Would prefer the Queen's troops to the Company's, but nothing could exceed the good conduct of the Company's Europeans, 2049, 2050——If a larger European force is required, would rather see the Company's European force increased, 2051——We have enough of the Queen's regiments in India; the service is unpopular, and for too long a period, 2051. 2056-2058—— Ought to be relieved every ten or twelve years, 2057——Some situations on the staff could be given to the Queen's officers with advantage; but the first claim is of right with the Company's officers, 2052. 2069——Queen's officers so employed should be limited in number, and no alteration of the rules laid down for maintaining the efficiency of the Queen's regiments allowed, 2053——Officers so employed would have to qualify themselves in the languages, 2055——Any system tending to induce the Queen's officers to learn the languages would be useful, 2060——It would be advantageous to a Governor-general or Commander-in-Chief to be able to speak the languages, if he can do so with precision, otherwise not, 2061——Thinks the Queen's officers cannot be employed in political and civil appointments, 2068. 2070——But may in executive duties such as surveying, 2070——It will depend upon the Court of Directors, 2068——Statement of the number of officers to the European regiments, 2062-2066—— Supernumeraries in a Queen's regiment, on its return to Europe, are placed on half-pay till vacancies occur, 2071.

The best men in the Company's European regiments are often removed and placed in different situations in native regiments, 2073——Which causes rapid promotion, 2074——Thinks the present European force in India is sufficient; we may praise the native troops as much as we please, yet upon a comparison the superiority rests with the European, 2075——Unsafe not to have a large proportion of Europeans upon all occasions, *ib.*——Cannot say what is a time of peace in India; you must always be prepared, 2076——If the Punjaub should become quiet it may be possible to reduce a portion of the European force, 2077——Statement of the force of the different native powers; about 390,000 men in all, *ib.*——The Nepaulese have a system somewhat similar to that of the German landwehr, *ib.*——Does not think that there is any fear of a combination between the Mussulman Powers of the Nizam and Oude and the Hindoo states on account of their religious and political differences, 2078——The Rajpoots might be a formidable enemy within our territory, *ib.*——There is also a large unruly mass of fighting mercenaries in the Nizam's territory, 2079——To oppose the various native powers we have about 320,000 good troops, *ib.*

Remarks upon the comparative advantages of military and civil police; in newly annexed or conquered provinces, a military police is the best for controlling any turbulent spirit, and at the same time treating the natives with due consideration; it is both necessary and useful; should say that in the old regulation provinces, from Agra to Calcutta, you do not require that description of force; where there is a continued system of civil government, as contradistinguished from a military government, the police should be civil, and as much as possible on the system of the Irish police, 2080——A military police corps existed in Lord W. Bentinck's time, in 1830; he thought them expensive and inconvenient, *ib.*——The irregular corps employed as military police corps, upon the whole, have answered well, *ib.*——Does not see how military police could keep under the dacoitees, 2081——They were useful at Saugor; but the system was objected to at Agra, Delhi, and Kurnal, 2082——Four battalions of Sikh irregulars employed as military police were useful in keeping order in the rear upon the second crossing of the Sutleje, 2083, 2084.

Believes the Bombay army is more easily managed than that of Bengal, from having no difficulties as to caste; there is a good deal of difficulty sometimes with high-caste men, 2086——Nothing could exceed the loyalty and attachment of the Bengal army under Lord Gough; don't believe that we lost 30 men by desertion during the whole Sutleje campaign, and the fidelity of the troops was most severely tested by the Sikh emissaries, 2086.

Thinks that allowing officers to come home on furlough, instead of going to the Cape, will be advantageous, 2087——Had no reason to complain of the medical officers; always found a sufficiency of them, 2088——Thinks assimilation of the armies of the three Presidencies good if not carried too far; it may have been carried far enough, 2089.

Hardinge, Lord. Object of his educational resolution of 10th October 1844, *Duff* 6111——Reasons why the students at non-Government institutions have not availed themselves of it, *ib.* 6112——Has been practically a dead letter, except to Government institutions, *ib.* 6113——But little practical good has resulted from it, *Wilson* 7210——There were objections to it from the missionaries, and from the Mahomedan and Sanscrit students, *ib.*——In consequence of the examination test required by the Committee of Public Instruction, it has become applicable only to Government institutions, *Marshman* 6452——Lord Hardinge's declaration has had the best possible effect upon education, *Wise* 7021——The best way of carrying Lord Hardinge's minute into effect would be the establishment of a university test, *Cameron* 7320——Lord Hardinge's Educational Resolutions, See *Appendix* (F.), *Second Report, p.* 415.

Reports, 1852-53—*continued.*

Hawkins, John Abraham Francis, Esq. Statement of the offices held by witness in India, 4282——Went through the whole judicial and revenue appointments, with the exception of not having been a member of the Board of Revenue, 4283.

Mode of selection adopted in appointing the native judges described, 4285——The information upon which the promotions were made was chiefly of a statistical nature, 4286——But had also the opinions of the judges, and information obtained by inquiries on the spot, 4286——The examining bodies were appointed by the Government, chiefly from the civil service, 4289——The working of the system has been advantageous, and has had a tendency to raise the character of the native judicial service, 4290——Not one judicial officer appointed has been complained of on the ground of bribery or corruption, *ib.*——Manner in which a complaint would be made and inquired into, 4291——Way in which the examination for the judicial office was conducted, 4292-4295——It came into operation in 1840 or 1841; 4296——A superior class of men has come into the judicial service, 4298——Statement of the remuneration of the native judges, 4299.

The principal Sudder Amin has unlimited jurisdiction with regard to property, 4300——He exercises the same power as a Zillah Judge, 4302——Objections to advancing the natives to the highest judicial office, 4300, 4301.

Much might be done towards the improvement of the native Bar in India, 4303——Hitherto the practice has not been to throw anything like responsibility upon the pleader, *ib.*——Suggestions for improving the character of the Bar, *ib.*——With regard to promotion from the Bar to the higher judicial grades at once, it should be done very carefully, as anything that would tend to depress those in the lower grade would operate injuriously, 4306——The remuneration given to the vakeels is sufficient to secure a properly qualified class of persons for that capacity, 4309——Some in the Sudder Court are of a higher class altogether, 4311——They are equal to the European practitioners in knowledge of law, and perhaps superior in quickness and acuteness, 4314——The majority of them plead in Oordu, 4315——And the European must always plead in a language which his opponent can understand, 4316——The Mahomedans show greater aptitude for the judicial office; the Hindoo for the accountant's office, 4317——Character of the East Indians in regard to the judicial office, 4320, 4321——Every facility should be given both to vakeels and moonsiffs to educate themselves, 4322——They acquire a knowledge of the law, which is frequently very remarkable, 4322-4324.

Suggestions for improving the training of the European judges, 4325-4327——It is very desirable that a judge should have had a previous training in the collector's department, 4330——Advantages of such training, 4330-4333——Would let a civil servant get a knowledge of the collector's duties, but when once a judge, would let him take the regular steps in the judicial line, without going back to the other department, 4334——Disadvantages attaching to the judicial line as compared with the revenue line, 4335, 4336——Would leave it at the option of the man to select the judicial branch, subject to the veto of the Government, 4339——There should be a more rigid examination before they enter upon the judicial line, 4342——There have been two or three instances in which civil servants have been sent home, because unable to pass in the languages, 4344——On the whole, is of opinion that the amalgamation of the Supreme Court and the Sudder Court would be advantageous, 4346——Advantages and disadvantages of it stated, 4347——Would very much dread too much of an infusion of English law in the administration of India, 4348.

The European settlers up the country have always objected to being placed under the jurisdiction of the Company's Courts, 4351——Practically they are under no law in criminal cases, 4355——Believes that there is a want of confidence in the native courts, 4356.

The Chief Justice in the Sudder Court answered very well, 4359——The office was done away with by Lord W. Bentinck about twenty years ago, 4361——The senior member has no precedence, 4362——Present substitute for a chief justice with regard to the duties of the court, *ib.*——Advantages of having a chief justice, 4364, 4365.

With regard to the police, it is certainly in a very inefficient state, 4366——Difficulties in the way of improving it, *ib.*——They are insufficiently paid, 4367——Military organization would be useful where affrays abound; but it would not supply the place of the village police, 4369——The village police might be made more efficient, 4370——Disadvantages of the present system, and suggestions for its improvement, 4370. 4387-4393——Power of the magistrate in case of complaints being made of the police, 4377——Has known the police convicted upon the clearest evidence, 4378-4380——Does not think that the zemindars could be called in to assist in the administration of justice or police more than they are, 4381——Objections to trusting them with power, 4382——Non-commissioned officers of regiments have scarcely ever been employed as officers of the police, 4395——The Calcutta militia is chiefly recruited from Behar and the Upper Provinces, 4400——They do the police duties in the customs and in the magistrates' office at Calcutta, 4401——And as far as guards and sentries, are a military police for Calcutta, 4402——The evidence with regard to the abuses in the police is particularly applicable to Bengal, 4403——Considers that the fault lies not so much with the Government as with the system, 4408.

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Herbert, Rear Admiral Sir Thomas, K.C.B. Witness had vessels of the Indian navy under his orders in the Indian Seas, 1944——They were small vessels; effective in every way, most active and zealous, 1945——No jealousy appeared to exist between the Queen's forces and the Company's forces, 1946——Always found the arrangements on board good, and the vessels in every respect fit for service, 1949——Received the Indian allowance when in China, 1954——The Indian station and the China station are still under one command, 1956——Australia is a separate command; the commodore at New Zealand is not under the Indian command, 1957——Never heard that the duties of the Indus navigation are not satisfactorily performed, 1959——Should be so arranged that a pilot may have local knowledge of it almost daily, 1960——They have very good pilots at Calcutta, 1964——But the pilot always appeared frightened when the ship was working, 1970.

Hill, David, Esq. The system of judicature in India consists of two distinct parts, one for the presidency towns, the other for the provinces, 2090——The principal court at each presidency town is the Supreme Court of Judicature, 2091——How constituted, 2091, 2092——Its jurisdiction, 2093——It exercises a local jurisdiction over all the inhabitants, and a personal jurisdiction extending to all British-born subjects within the limits of the Presidency, 2093. 2103——British-born subjects defined, 2094-2096——In 1850, a small cause court was established at Calcutta, in which the mode of proceeding is summary, 2097——Similar courts have been established at Bombay and Madras, 2099——The Calcutta court is working uncommonly well; its jurisdiction is limited to 500 rupees, 2100——At the Presidency there is also a bench of magistrates, justices of the peace, for trying petty criminal cases, 2103——The law administered is generally the law of England, but in certain cases the Hindoo and Mahomedan law; they have made a sort of law of their own, 2104. 2107——The judges of the Supreme Court are sent from England, and appointed under the Queen's Commission, 2108——The magistrates are salaried magistrates, 2109——In the Mofussil, the law administered in civil cases is the law of the defendant, 2110——Which a judge has to find out, as a judge here does when he has to administer any foreign law, 2111-2112.

Constitution of the courts in the provinces explained, 2114——The collector's jurisdiction is generally of the same extent as the judge's, *ib.*——An appeal lies from the native court to the judge of the district, the zillah judge, who also has original jurisdiction, *ib.*——And an appeal lies from him to the Sudder at the Presidency, *ib.*——The zillah judge has power to refer appeals from the native courts to the higher native judge, the Principal Sudder Amin, 2115——There is no appeal from him on the merits, but if he decides against law or violates rules of practice, application may be made to the Sudder at the Presidency, 2118——There is only one English judge, a covenanted servant, in each zillah, 2120, 2121——At Madras, when there was an auxiliary judge, he was co-equal with the zillah judge, 2122-2125——The proportion of appeals from English judges is larger than from the native; so the reversals, 2127——Regularly there can only be two appeals, 2116——Upon the first the Appellate Court may call for new evidence, if the evidence is not complete, 2259——There was an idea of having a court of appeal in India, but Calcutta, with reference to the greater part of India, is as far off as England; thinks the suitor had better go to England, 2143.

The rules of proceeding are a great deal too technical, 2113. 2128-2133——The original judge is distrusted, and provision is always made for an appeal, and the whole of the evidence recorded; it is the great defect of the system, 2129. 2113. 2254, 2255——There is a tendency in the Sudder judges to reverse upon ground of informality, and upon points of practice, 2254, 2255, 2256——Instructions have been prepared with a view to preventing reversals upon technical points where the decision is substantially right, 2256——There is often great difficulty in judging of the credibility of a witness; cæteris paribus, the native judge is better able to do so, 2261-2263.

The abolition of the intermediate Court of Appeal, the Provincial Court, about twenty years ago, is upon the whole an improvement, 2136, 2137——The employment of native judges to transact the great bulk of the judicial business of India has been a great improvement, *ib.*——It would also be a great improvement when you find a good native judge, to give him a limited summary jurisdiction, *ib.*——The law provides for assessors to assist the judge, 2139——But it has not been very successful, 2140——The same officers exercise criminal and civil jurisdiction; the Sudder Court is the Supreme Criminal Court; the zillah judge is a sessions or criminal judge, 2144——Prisoners are committed by the magistrate who has jurisdiction in petty offences; deputy magistrates, natives, and Europeans, uncovenanted servants, have been lately introduced, *ib.*——There is great advantage in combining the office of magistrate and head of the police, 2145, 2146——The offices of magistrate and of deputy collector, to which natives have been appointed, have been performed very satisfactorily, 2150, 2151.

The exemption of British subjects from the criminal jurisdiction of the provincial courts is extremely inconvenient, 2152, 2153——And is under the consideration of Government, 2154——Statement of the proceedings which have taken place, with a view to subjecting Europeans to the criminal jurisdiction of the Company's courts, and, under the power

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Hill, David, Esq.—continued.

given by the Directors to the Government of India, in 1848 and 1852, to enact any code they approved of, 2160 *et seq.*

Mr. Bethune objected to the phraseology of the code, 2179——The code sent home by Lord Dalhousie simply defined the crimes and allotted the punishment, 2171. 2185——A translation is published by authority, but it is liable to be disputed, in which event the original must be referred to, 2181, 2182——It is now the opinion of competent persons that the meaning of the code is perfectly translatable, 2180——Observations upon the Lex Loci law; it only referred to civil jurisdiction; there was a great deal of writing, but no proposition requiring either sanction, or rejection 2155-2159——Difficulties and delays have been felt in India with respect to various measures proposed by the Law Commissioners, 2173——The course of procedure chalked out for the Commission was, that all the branches of the law were to be revised by them, 2180——The Law Commission proved a total failure, 2189——They have done very little of what the Act prescribed, 2190 ——Believes that their report in 1842, on the training of civil servants, was looked upon unfavourably by the head of the Government, 2253——The Government refused to allow them to make their examination ambulatory, 2191-2193——The Law Commission is practically extinct, 2204-2207——By Act of the Company, 2208——Expense of the Law Commission, 2209-2214.

A Bill which originated with Sir Erskine Perry, respecting Small Debts Courts, at Bombay, was disavowed by the Privy Council as illegal, 2195-2199——Court of Directors have power to disallow any Act done by the Government of India, 2200, 2201——Suggestions for making legislation more effectual in India, 2201——Sufficient information might be obtained from the natives by means of private communication with them, 2202 ——Would not recommend calling in their assistance in the Legislative Council, *ib.*—— A power might be reserved to enable the Governor-General, on an emergency, to make laws without interfering with the scheme suggested, 2203.

The judicial officers are appointed by Government, and hold office during pleasure, 2215——It would be attended with great injury if any selection was made amongst the writers landing in India, for judicial appointments, 2221, 2222——By far the best training of young men in India, is to make them familiar with the native habits, and create sympathy and good feeling in their minds towards the natives, 2221-2225—— Which is more readily acquired in the revenue branch of the service, 2225——Than in the judicial, where they would always see the natives under unfavourable circumstances, 2226——Sir Thomas Munro's opinion upon the subject, 2224-2226.

The administration of justice in India does not differ from the transaction of any other public business, 2227——Considers the interchange between the Political, Revenue, and Judicial Departments as the life and soul of the civil service, 2228——The Judicial Department in India is very different from what it would be here; does not think that training up a portion of the Company's servants as judges would improve the Government, 2229——The collector of the revenue, and indeed every public servant in India, has to act as a judicial officer, 2230——Would recommend simplifying litigation instead of making lawyers of the civil servants, and when you have a good judge, giving him a summary jurisdiction in small causes, *ib.*——In 1814 or 1815, Sir Thomas Munro recommended several improvements in the judicial system at Madras, 2231-2235——He succeeded in giving the village moonsiff a summary jurisdiction up to ten rupees, 2235—— The whole of his recommendations were not adopted, in consequence of a strong feeling in the public service in favour of the existing system, 2236——Sir Thomas Munro's opinion in favour of civil servants being trained in the revenue line, dated 8th August 1820, referred to, 2237——It does not express approbation of the plan of transferring a man advanced in life from the Revenue to the Judicial Department, or vice versâ, 2238—— Thinks we ought to look for improvements in the judicial service, more amongst the natives than amongst Englishmen, and when valuable native servants distinguish themselves they might be more prominently brought forward, 2240——The revenue branch of the service generally requires the greatest natural ability, 2242——The complaint that persons of inferior ability are appointed to the Judicial Department has been exaggerated, but it is not altogether unfounded, 2243-2248——The probability is, the ablest men are in the employments in which the Government interest is most at stake, 2250——Appointments to the Sudder Court in Bengal are all able men, 2247——In their first training at the Presidencies, the rule is that they shall always go into the revenue line under a collector or magistrate; but the next step is very much determined by the accident of a vacancy in one or other of the departments, 2251——Considers a civil servant always in judicial training, if employed in public business, 2252.

Hill District. Consists of nineteen native states, *Edwards* 5787——With a population of 500,000 or 600,000, *ib.* 5791——Of whom about 7,000 or 8,000 were really British subjects, *ib.* 5793——They are Hindoos, chiefly Rajpoots, except one small Mahomedan colony, *ib.* 828——Proselytism was never attempted in the Hill schools, *ib.* 5809.

See further *Education.*

Himalayas.

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Himalayas. A very remarkable European race might arise on the Himalayas, *Trevelyan* 6739——Description of some of the more dangerous tracks by which the traffic is at present carried on in the Himalayas, *Kennedy* 7591.

Hindee-Hindostanee. Is current everywhere, *Caldecott* 5503.

Hindoo Books. Instances of the popular morals contained in them, *Trevelyan* 6781.

Hindoo College, Calcutta. Was opened in 1817, and was the very first English seminary in Bengal, or even in India, *Duff* 6098——Objects and history of the establishment of it, *Wilson* 7200——Assistance was afforded to it by Government, *ib.* 7201——It first received assistance from Government in 1823, *Trevelyan* 6592; *Duff* 6099——Views of the Government when the pecuniary grant was first made, *ib.*——It was originally established by voluntary subscription on the part of the natives, *Trevelyan* 6593——Has led to the establishment from time to time of numerous institutions, *ib.* 6594——It receives assistance from Government, *Wise* 7082——The principle of neutrality is kept up in it, *ib.* 7083——Actual condition of the college, *Wilson* 7202——Nature of the examination required from the students, *ib.* 7202-7204——Effect of the system of education described, *Duff* 6099——It produced infidels in the wildest sense of the word, in fact avowed atheists, *ib.* 6101——No attempt was made to introduce a true belief in the room of the superstitions destroyed by the system of education, *ib.* 6102——Progress and result of lectures established with a view to arrest the mischief described, *ib.*——The pupils' fees amount to about 3,000*l.*, and in the vernacular school connected with it to about 1,200*l.*, *ib.* 6247——The influence of the natives in the committee rather outweighs the Europeans with them, *Marshman* 6447.

Hindooism. When the gross physical absurdities of the Hindoo faith are disproved, the Hindoo religion is gone, *Trevelyan* 6778——Observations upon the deteriorating influence of superstition upon the Hindoo population, *Duff* 4254. 4256. 4275——The main evil of Hindoo morality is the great want of truth, *Perry* 5914——It is difficult to say what is excluded from the all-comprehending embrace of Hindooism, *Duff* 6099——Effect of the system of education at the Hindoo College upon it, *ib.* 6100-6103——How affected by an English education, *Trevelyan* 6778. 6781——Opinion of one of the Brahmin professors in the Elphinstone Institution upon the present state of Hindooism, *Right Rev. Bishop Carr* 8159——There is a feeling among the natives that the downfall of Hindooism may be expected, *ib.* 8161.——*See* also *Caste. Conversion. Education.*

Hindoo Legends. Difference between the Hindoo legends taught in the native schools and the old Roman and Greek mythology, *Duff* 6063, 6064——Objections to the Hindoo legends, *ib.* 6065, 6066.

Hindoos. How educated under their own system, *Wilson* 7233——They regard us as impure outcasts, *Trevelyan* 6706——They are now less bigoted than they used to be, *Bird* 7175——They have an objection to taking an oath, *Halliday* 4528——Their objections to taking an oath on the Ganges water, *ib.*——The Hindoo is naturally a very religious man in his own way, *Duff* 4271——The Hindoos are very careful of the purity of their women, *Trevelyan* 6820——They are preferable to the Mahomedans in every respect, *Wise* 5397——In Dacca they are much to be depended upon, and are as truthful as the Mahomedans, *ib.* 5398, 5399——Are more intelligent than the Mahomedans, *Edwards* 5827.

Probable result to our Government of any great improvement in the education of the Hindoos, *Duff* 6263——They are very partial to our language and literature, *Marshman* 5105——The higher classes pride themselves upon speaking English, *ib.* 5191——At Hooghly College the Hindoos were more eager to learn English than the Mahomedans, *Wise* 6930——They were more easy to instruct; they are more sensible of the advantages of a knowledge of English than the Mahomedans, *ib.* 6961. 6963——Hindoo precocity was very remarkable; their memory, in many instances, was most astonishing, *ib.* 6932——Amongst the Hindoos and Mahomedans there is a prodigious difference according to the caste and class to which they belong, *Duff* 4196——The Hindoos are of castes and classes innumerable, *Halliday* 3486——The Hindoo shows a greater aptitude for the accountant's office than for the judicial office, *Hawkins* 4317——Hindoos look upon death with the greatest unconcern, but with them fatalism is not so active and stimulative a proceeding as among the Mahomedans, *Alexander* 1137.

See also *Native Agency. Native Character.*

Hindoostanee. Is the military language of the sepoy in the whole of Hindostan, *Melville* 107——All the Hindoos learn it, *ib.* 112, 113——Out of 52,773 soldiers in the Madras army, 47,480 could express their wants in Hindoostanee, *ib.* 113.

Hooghly College. Is one of the higher colleges; persons of very low description are admitted; no attention is paid to connexions, *Thornton* 5990-5991——Is twenty-four miles from Calcutta, *Wise* 6960——The funds were derived from a Mussulman endowment in the neighbourhood, *ib.* 6925——How it originated, *Wilson* 7207——The course of education pursued

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and the objects and intention of the formation of it stated, *Wise* 6924——Extent to which instruction is afforded in the Oriental languages, *ib.* 6953——It is partly a Mahomedan college, *ib.* 6952——Natives of every class availed themselves of it, *ib.* 6926——Upon opening it, 1,400 applicants for English instruction came with about 200 Arabic and Persian students, *Trevelyan* 6619——There were 1,200 applicants for admission when the system was introduced, *Wise* 7048——The number has since diminished, *ib.* 7049——And why, *ib.* 7049 *et seq.*——Number of pupils now belonging to it, *ib.* 6957——No distinctions of caste were recognised, *ib.* 6938——All were competitors for the same prizes, *ib.* 6940——There is no medical class connected with Hooghly College, *ib.* 6966. 6999.

See also *Education.*

Hooghly River. The navigation is very difficult, *Melvill, J. C.,* 1501——Though steam has greatly facilitated it, *ib.* 1502.

Hoondies. There is no law particularly applicable to such documents, *Baillie* 4084——They are never used for Government purposes, *ib.* 4094, 4095——It is the common practice in attorney's offices to treat them as bills of exchange, *ib.* 4097——It is a safe means of remitting money, if you are sure of the credit of the person upon whom it is drawn, 4098.

Horse Stud. Was broken up a few years since, *Burlton* 599.

Horses. Stud horses are generally vicious, *Napier* 813——Cost of the stud horses before they are fit for work, *ib.*——Also cost of the Gulf horses and Arabian horses, and of the Australian horses, *ib.* 814——The Australian and Cape horses are excellent, *ib.*——Artillery and cavalry officers generally liked the Australian horses, *ib.* 819——Excellent horses were obtained while the fair was established at Sukkur, *ib.* 813——Could get Turcoman horses by establishing a fair at Peshawur, *ib.* 815——Those bought at fairs are generally stallions, but you can get any kind, *ib.* 817——Stallions must be picketted by the legs and head, *ib.* 810——The desert tribes use mares, *ib.* 812——The Bombay depôt for horses ought to be at Sukkur, Hyderabad or Kurrachee, *ib.* 816.

Hospitals. Could only be improved by giving them height and baths, *Napier* 945.

See also *Barracks.*

Husband and Wife. Cases of the conversion of the one party to Christianity have caused a good deal of embarrassment, *Halliday* 3686.

See also *Christianity. Conversions and Converts.*

Hutting Money. Is now granted to the Bengal sepoy on change of quarters, *Melvill* 197——Native regiments on arriving at a station are allowed two rupees each sepoy, and the superior grades proportional sums to provide themselves with huts or houses, *Alexander* 1269——When relieved they are taken at a valuation by the incoming regiment, if any, otherwise the loss falls on the men, *ib.*——As long as they remain at a station they never get more than the two rupees on their first arrival, *ib.* 1270——The allowance should be larger, or permanent huts should be built and kept in repair by Government, *ib.* 1272.

Hyder Jung Bahaudoor. Is acquainted with the southern and western parts of the Mofussil, 4631——The administration of justice in the Supreme Court is quite satisfactory, 4636——But has heard complaints of the Company's Courts, 4637——On the ground of delay and of the appeals, 4638——Would combine the Sudder Court and the Supreme Court, and make them a court of appeal direct, 4641——The moonsiffs are not sufficiently paid, 4647——The natives have no doubt of the integrity of the generality of them, 4648——But would not trust the inferior officers of their courts, 4650——The natives trust the integrity of the European judges, 4652.

The Small Cause Court at Madras has given satisfaction to the natives; it works well, 4657——But the people prefer rather the Supreme Court, 4658——For though the rules adopted for the Small Cause Court are very good, 4660——The judges have not given satisfaction, 4661——Comparative expense of the Small Cause Court and of the Supreme Court, 4665——If the Supreme Court and the Sudder Court were combined, the appeal to England would be unnecessary, 4669-4671——Grounds on which the natives are dissatisfied with some of the European judges, 4672-4675——Is not acquainted with particulars regarding the Madras petition, 4676-4685.

The mode of administering justice in the Mofussil would be satisfactory if it was well administered, 4686——The law is not bad, 4690——There is an impression in the Madras Presidency, that by sending money to the officers of the court, or to the judges, a favourable opinion may be obtained, 4700——Does not think a favourable decision would be obtained by a sum of money from many judges, 4701——There is a feeling of confidence in the integrity of the judges generally, 4710——But the system of suitors sending money to the vakeels for the purpose of gaining their suits is general, 4711——Evidence as to the way in which the money is applied, 4712 *et seq.*——In a case in which witness was concerned, between 700 and 1,000 rupees were sent to bribe a sheristadar, 4720-4731——The sheristadars have some voice in those matters; the judges, if not very competent, chiefly decide upon their opinion, 4738.

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The system of police is quite different in the Presidency and in the country, 4740——It works well in the Presidency; but the magistrates require more power in cases of petty thefts, 4741, 4742——The tamahdars and duffadars are almost all honest, 4743. Village police are under tahsildars, 4745——And under them talliars and peons, 4746——Life and property are safe under the country police; but not so much so as under the Presidency police, 4747.

The natives are generally active in performing the duties of justice of the peace, 4751——Nature of their duties, 4751, 4752——It has been agreeable to the natives generally; but they ought to have more power, 4755——Additional powers which they ought to have, 4758——Native gentlemen would willingly accept the office, 4759-4761——Stipendiary magistrates have no control the police, 4763.

Hypothecation of Goods. Has shared in the prejudicial effects upon commerce which the system has engendered, *Crawford* 1902——It cannot be placed upon a better footing, *ib.* 1903——The Company have not suffered inconvenience from any combination against it, *ib.* 1904.

I.

Idolatry. Taxes paid at Juggernauth and elsewhere have been abolished, *Bird* 7148——Government is connected with idolatry as being connected with the estates of the Temples in Southern India, *Keane* 7854——Believes that the number of pilgrims to Gya and Juggernaut has decreased, *ib.* 7861——Great advances have been made by Government in discountenancing idolatry, *ib.* 7862——Evidence as to the nature of the patronage exercised by Government in appointments to the Temples, *ib.* 7863——The allowances made to the Temples is only keeping faith towards them in consequence of grants made by former Governments, *Right Rev. Bishop Carr* 8212——Sometimes they are in lieu of Temple lands resumed by the Government, *ib.* 8215——But there is a continual effort to get quit of the connexion, *ib.* 8219——Remarks upon the attendance of troops and Europeans at festivals and processions, *ib.* 8221. *et seq.*——*See* also *Juggernaut. Pagodas.*

Immoral Books. The circulation of them has increased in Calcutta; but the increase in moral and Christian books has been much greater, *Trevelyan* 6817.

Imprisonment. Has great terrors for the natives, though some pretend to say that it has none, *Halliday* 3526——The longest period of imprisonment is for life; but that is as much as possible commuted to transportation, *ib.* 3534.

India. Remarks upon its influence over the surrounding countries, *Trevelyan* 6887——Its prosperity is retarded by the settled habit of the natives of looking to Government for everything, *Willoughby* 3180, *p.* 330——Its advantages to us, even if severed from our dominion, *Trevelyan* 6715 *et seq.*——Imports and exports have more than doubled since the last charter, *ib.* 6718——There is nothing to fear from its consolidation into a single nation, the races differ so much from each other, *ib.* 6741——With regard to rearing European children, great distinction must be made between different parts of India, *ib.* 6738——It is very difficult to apply any general principle to the whole of India, *ib.* 6739——It is the sink to which the scum and refuse of the English professions habitually gravitate, *ib.* 6918——Is a more expensive country to live in than England, *Cameron* 7393——India was an inquiring, educated country, *Keane* 7904——Opinion that the wealth of India is disappearing, *ib.* 7779——Grounds of such opinion, *ib.* 7781. 7785-7795——Has in all respects been sacrificed to this country, *French* 9025—— Our present position in India is altogether strong, *Trevelyan* 6796——Our tenure of India depends upon our doing justice to the natives, and gradually opening the advantages of their own country to them, *ib.* 6717——It is our plain moral duty to govern India as well as we possibly can for the benefit of the natives, *ib.* 6748—— Our policy, if tending to the improvement and education of India, will operate to postpone the separation of the two countries for a long, indefinite period; but the opposite policy may lead to a separation at any time, *ib.* 6719. 6721—— The education and employment of the natives will lead to a continuance of the connexion with England, *ib.* 6724——The withdrawal of our controlling power would be the signal for universal anarchy and confusion, *Duff* 6265——The separation of England and India is not an object to be desired; the premature determination of our dominion would be the greatest misfortune to India, *Trevelyan* 6720——Constitutional freedom and Christianity will at some distant period make the Indians capable of self-government and self-defence, *ib.* 6745.——*See* also *Education. Government. Native Agency.*

Indian Affairs and Indian History. There is a great want of good books upon these subjects, *Campbell* 3919.

Reports, 1852-53—*continued.*

Indian Allowance to the Royal Navy. At present a captain gets 500*l.* a year as Indian allowance, *Melvill, J. C.* 1479——The Admiralty has no cognizance of it; it is the gift of the Indian Government, *Powell* 1524——Received the Indian allowance in China; the system was, when you came within a certain district under the Indian command you got batta, *Herbert* 1950. 1952; *Melvill, J. C.* 1431.

Indian Command. It is now divided into two; there is a commodore on the Indian, and an admiral on the China station, but it is under one command, *Herbert* 1956——New Holland and Australia is a separate command, *ib.* 1957.

Indian Correspondence. Should be put upon the same footing as the correspondence between the colonies and the colonial office, *Trevelyan* 6887.

INDIAN NAVY. Its origin and progress, *Melvill, J. C.* 1397——At an early period the Company was authorised by charter to exercise martial law, but in the Recorder's Court in Bombay Sir J. Mackintosh held that the power was too general, *ib.* 1398——In 1827 the Company's Army Mutiny Act was applied to the Bombay Marine, under certain conditions, and the rank of the officers settled, *ib.*——In 1840 the Legislative Council in India was authorised to form a naval code for the Indian Navy, *ib.* 1399——In 1828 the designation of the force was changed from Bombay Marine to Indian Navy, *ib.* 1405——In 1837 it was determined gradually to convert the force into a steam navy, *ib.* 1401——It formerly consisted chiefly of gun brigs, *ib.* 1409. Strength of the establishment of seamen, 1425——The establishment of officers is much the same as in the Royal Navy, *ib.* 1430——There is not much difference in the pay, *ib.* 1431——The terms first-rate and second-rate are arbitrary terms fixed in reference to the allowances of pay, *ib.* 1435——The seaman's allowances only consists of provisions, *ib.* 1441——The Company engage boys from the Marine Society, *ib.* 1447——Ships built in England are generally built by contract, *ib.* 1496.

Since the service has had a martial law of its own it has been very popular among the officers; it was unpopular when they were serving under a law which made them both soldiers and sailors, *Powell* 1534——When steam was first introduced it was unpopular, from an idea that it would be changed from a war to a packet or transport service, *ib.* 1536——The packet service department is not unpopular now, *ib.* 1537——Objections to disconnecting the Indian Navy from the packet service, *ib.* 1559-1562——Is of opinion that the East India Company would save by it, *ib.* 1572.

In time of peace the vessels are employed in conveying troops and stores, cruising in the Persian Gulf, Red Sea, on the coasts of Africa and Arabia, and in surveying, *Melvill, J. C.* 1403; *Powell* 1644——Has carried troops in the Memnon at the rate of one soldier per ton, *ib.* 1654——In the dry season could take a regiment to China, or any part of India in such a vessel, *ib.* 1655——But a long voyage could not be undertaken on account of the immense quantity of baggage, *ib.* 1657——Has only been with the smaller vessels of the Indian Navy, but found them to be effective in every way, most active and most zealous; had almost as much confidence in them as in Queen's vessels of the same power, *Herbert* 1945——There was not the least jealousy between the officers of the two services, *ib.* 1946——Believes that Sir William Parker has publicly expressed a very favourable opinion of the Indian Navy in a letter to the Governor-General, *Powell* 1611.

Modes adopted in the Indian Navy for making the vessels more healthy and comfortable to the crews, *Powell* 1614 *et seq.*——Is of opinion that allowing the men to sleep on deck under awnings is one of the main reasons why the service is more healthy than that of the Queen, *ib.* 1618. 1628——The Indian Navy has still about eight or nine small sailing vessels, *ib.* 1626——The number of ships in commission in time of war is nearly the same as in time of peace, *ib.* 1638——In time of peace there would be employment for the total number now in commission, *ib.* 1643.

The different ranks of officers in the Indian Navy are very nearly analogous to those in the Royal Navy, *Powell* 1511——Pay of each rank, *ib.* 1512; *Melvill* 1437——Believes that the remuneration of officers in the Royal Navy with the Indian allowance is greater than that of an officer in the Indian Navy, *Powell* 1522, 1523. 1544——Each grade of officers in the Indian Navy is junior to the same grade in the Royal Navy, *ib.* 1632——The supply of officers is not sufficient for the service of all ships; many private individuals have been admitted into the service to fill up vacancies, *ib.* 1634——The officers are appointed in the first instance by the Court of Directors, *ib.* 1579——But since the general introduction of steam, every midshipman before leaving the country is obliged to furnish a certificate from some factory of his general knowledge of the marine engine, *ib.* 1580, 1581——And he must pass in India in seamanship, navigation and gunnery, before he can be promoted to be a mate, *ib.* 1582——The committee for examination in India is appointed by the superintendent of the Indian Navy, *ib.* 1584——The natives have petty officers among themselves, called serangs and tindals, *ib.* 1599——The serang is appointed from the superintendent's office, and he recommends the tindals, *ib.* 1600——The officers have furlough similar to those in the army, *ib.* 1521.

Pay of able seamen in the Indian Navy, *Melvill* 1432. 1439; *Powell* 1516——About one third of the crews are natives, *Powell* 1532. 1597——They amalgamate very well with the

Reports, 1852-53—*continued.*

INDIAN NAVY—continued.

the Europeans, *ib.* 1598——When the ships were ordered from Bombay to the Irrawaddy, the native crews were removed into other vessels, and the Europeans in those vessels transferred into the ships required for active service, *ib.* 1607——There is a system of pensioning analogous to the advantages given to the army by Lord Clive's fund for wounds and long service, *Melvill, J. C.* 1445, 1446.

Suggestions for performing the service by the Royal Navy have never assumed a practical form, *Melvill, J. C.* 1472——It could not be done by the Royal Navy unless it was a purely local corps; the advantages would seem to be questionable, *ib.* 1473——The vessels of the Indian Navy are prohibited from carrying goods on private account, *Crawford* 1761——It was a hardship to some extent, *ib.* 1762——The services of the Indian Navy would be as well performed by the Queen's ships, *ib.* 1836——Though there may be some advantages in having a strictly local force, *ib.* 1837.

See also *Bengal Marine.* *Indus Navigation.*

Indian Order. Objections to the establishment of a separate Indian order for the civil service, *Trevelyan* 6889.——*See* also *Orders.*

Indian Service. It is not specially adapted to fit a man for successful Colonial Government, but if a proper selection were made, Colonial Governors of ability might always be obtained from it, *Trevelyan* 6896——It is such a forcing system that it will make a man out of a block, *ib.* 6921——Is not sure that without exclusiveness there would not be sufficient inducement to young men to devote their lives to it, *Cameron* 7391.

See also *Civil Service.*

Indigo Plantations. Are carried on very much by means of money borrowed from houses in Calcutta, *Halliday* 3673——The most useful way of cultivating indigo is to cultivate it for yourself, *Wise* 5278——If you advance money to the ryots who grow it, you are liable to disappointment, *ib.*——The crops are frequently sold twice, in neighbourhoods where competition is going on, *ib.* 5282——The cultivation of indigo has been forced on the natives by the system of advances, 5349. 5367——The profit is greater upon it than upon cotton, *ib.* 5352——Indigo is not grown in Bombay; in Madras it has increased very much, *ib.* 5368——The indigo planters in India have not a monopoly, though they supply largely, *ib.* 5369.

Indigo Planters. Often fight for the possession of a crop, but the practice has been going out of late, *Marshman* 5157, 5158——Most abound in Tirhoot, *Trevelyan* 6743.

Indo-Britons. May be said to have no country, for they have no civil law whatever, *Trevelyan* 6698——Observations upon them, *ib.* 6698-6705——Their character, *ib.* 6698.

Indus Navigation. One branch of the Indian navy is the navigation of the river Indus, *Powell* 1587——The steamers on the Indus are all the property of the East India Company, *ib.* 1588; *Crawford* 1781——The vessels on the Indus are chiefly employed in the transport of troops and stores, *Melvill, J. C.*, 1406——They are small iron steamers, *ib.* 1407——The boats sent up the Indus were built of teak, about thirty tons, and drawing thirteen inches of water, *Cursetjee* 1755. 1757——The Indus is navigable as far as Mooltan up the Chenab, and to Kala Bugh up the Indus, at all seasons of the year, *Powell* 1589——The upper rivers are not navigable during the cold season, *ib.* 1591——With a flat in tow, was eighteen days in going up to Mooltan, *ib.* 1664——Drawing three or four feet water, *ib.* 1666——Had not much difficulty, 1665——A flat and a steamer can take the wing of a European regiment, *ib.* 1657——Has heard that the channel shifts more than in the Ganges; has known it shift eight or nine feet in twenty-four hours, *ib.* 1667——The pilots are stationed thirty or forty miles apart, *ib.* 1668——There are two at each station, *ib.* 1669——Pilots should be so arranged that a man may have local knowledge of the river every day, *Herbert* 1960——The trade on the Indus is almost entirely in the hands of natives, *Crawford* 1775, 1776——Has been led to form an opinion favourable to the officers employed on the Indus for energy, skill and enterprise, *ib.* 1838.

INFANTRY:

Infantry, Regular. The native infantry is 157,711 strong, *Melvill* 9——The European infantry consists of six regiments, *ib.* 19——Six thousand two hundred and sixty-six strong, *ib.* 30——Periods when the additions to the European infantry principally took place, *ib.* 50. 52——The increase to the native infantry consists chiefly in restoring the two companies reduced in 1828, and raising the Bengal regiments to 1,000 men each; also three regiments have been added for Bombay, *ib.* 55——The regular infantry regiments are very perfect, *Viscount Gough* 723——The regular infantry requires more officers, *Napier* 832, 853——With regard to the infantry officer, on the whole, the advantages are fully equal to those of the cavalry, *Alexander* 1012——He has more of the practical duties, *ib.* 1013. 1015.

Reports, 1852-53—*continued.*

INFANTRY—continued.

Infantry, Irregular. Irregular infantry amounts to 39,388 men, *Melvill* 14——Their drill is just the same as that of the regular infantry, *Viscount Gough* 724——And are commanded in the same way as the army under Lord Clive, *ib.* 725——The irregular infantry is in very superior order to the regular, and why, *Napier* 823-827.

The irregular infantry corps raised by Lord Hardinge are composed of Sikhs, *Melvill* 82——Their conduct was very exemplary, *Viscount Gough* 718——Punjaub regiments, raised by Lord Dalhousie, are composed of Sikhs, and Punjaubees not Sikhs, or men from Hindostan, *Melvill* 82——Have been raised with very great success, *Viscount Gough* 717-719——And will probably be equally efficient with the regular infantry, *ib.* 720 *et seq.* ——The irregular Sikh infantry regiment ordered to reinforce Kohat was in admirable order, but badly armed, *Napier* 908——Punjaub infantry regiments are very good, *Napier* 959——Used the second Punjaub infantry regiment freely in the Kohat, and never saw finer soldiers, *ib.* 960——Two of the Sikh regiments have volunteered for Burmah, *Viscount Gough* 719——They will volunteer anywhere, *Napier* 952——The pure Sikhs are very superior soldiers, *Viscount Gough* 721, 722——And have none of the prejudices of caste, *ib.* 735; *Napier* 950——They require less baggage and are more efficient, *Viscount Gough* 735——Each regiment has four European officers, *ib.* 736——Had some difficulty in getting a head-dress for them without outraging their prejudices, *ib.* 729——Their dress described, *ib.* 729-732——It differs from the usual native dress, *ib.* 732——And is more like the police uniform, *ib.* 730——Immense advantage in raising Sikh regiments, if you can trust them, *Napier* 951——Has doubts, *ib.*——Believes, however, that they are well affected to their officers, *ib.* 961——But would prefer mixed regiments to pure Sikh regiments, *ib.* 962.

Is of opinion that the infantry in the native armies is of little use, *Pollock* 395.

See also *Army. Irregular Corps. Officers. Sikhs.*

Infant Schools. The establishment of them recommended, *Trevelyan* 6644——Advantages to be derived from them, *Wise* 6995. 7025.

Informality. Should not necessarily vitiate proceedings; such a resolution was proposed, and if agreed to would have had a very great effect, *Lushington* 4424.

Inheritance, Law of. Never could ascertain whether a Hindoo turning Mahomedan forfeited his patrimony whilst under the Mahomedan rule, *Duff* 4170-4174——The conclusion would be that he would not incur the forfeiture demanded by the Hindoo law, *ib.* 4177——The right of inheritance under the Hindoo law is made to depend upon the performance of certain funeral rites, *Marshman* 6497.——*See* also *Lex Loci.*

Inns of Court. There is nothing equivalent to them in India, *Perry* 2544——Some such institutions should be established in India, *ib.* 2546.——*See* also *Education.*

Inquiry. Every inquiry in India excites suspicion in the first instance, *Duff* 6059.

Inspection. At the half-yearly inspection the soldiers are asked if they have any complaints to make, *Viscount Gough* 783.

Inspectors. Of vernacular schools, should be appointed, *Marshman* 6489——Of schools, should be appointed as in England, *Bird* 7120.——*See* also *Education.*

Instruction. The desire to give instruction is one of the good parts of the Brahminical system, *Trevelyan* 6643.

Interest. Rate charged upon money borrowed at Calcutta, *Halliday* 3417-3421——Twelve per cent. was the legal amount allowed in the courts, *Caldecott* 5552-5554——Twenty-four per cent. is nearer the usual amount allowed among the natives, *ib.* 5554——It is frequently much higher, *ib.* 5556-5558.

Internal Communication. Great efforts have been made by Government with a view to its extension, *Marshman* 6565——It would be worth while for the Indian Government to borrow money for improving it, *Crawford* 1873——It would repay them in the long run, *ib.* 1875——It would lead to a very large accession of revenue, *ib.* 1877.

See also *Public Works. Railways. Roads.*

Iron. Sound speculation in iron will afford important facilities for the construction of railways in India, *Kennedy* 7771.

Iron Vessels. There are none in the East India Company's service, except for river service, *Cursetjee* 1738——Many iron vessels have been lengthened, but none built at Bombay, *ib.* 1740——Are not preferable as sea boats, nor more free from vermin, *ib.* 1741-1743.

Irregular Corps. Way in which appointments to irregular corps are filled up, *Cotton* 347——The adjutant and the second in command is recommended by the Commander-in-Chief, *ib.*——The commanding officer has almost exclusively the command, acting as he pleases, reporting what he does to the higher authorities, and subject to the half-yearly inspection by the general of division, *Viscount Gough* 685——The officers commanding are generally subalterns or captains, *Viscount Hardinge* 1987——Irregular infantry corps have been raised in the Punjaub with very great success, *Viscount Gough* 718——Are equally efficient with the regular native infantry, *ib.* 720——The drill is the same, *ib.* 724——Two of the regiments raised by Lord Hardinge have volunteered for Burmah, *ib.* 719.

See also *Army. Cavalry. Infantry. Sikhs.*

IRRIGATION. There is no system of irrigation upon the Nerbudda and Taptee rivers; there is no occasion to appropriate their waters for that purpose, *Thornton* 7469——But further southward, systems of irrigation do prevail upon the Godavery and Cauvery, and a system is about to be applied on the Kistna, *ib.* 7470——About 5,000 square miles are supplied with water by these rivers, *ib.* 7472——The water is secured by a dam thrown across the rivers, and diverted to the purposes of irrigation, right and left, *ib.* 7473——There are minor systems of irrigation in Derah Dhoon and in Rohilcund, *ib.*——A cubic foot of water per second is sufficient for the annual irrigation of 218 acres, about one-third of a square mile, *ib.* 7483——Which, as one-third only is irrigated, is sufficient for about a square mile, *ib.* 7484——The revenue arising from the irrigation works on the Godavery has been increasing for several years, *ib.* 7528.

Irrigation canals are probably required in India to as great an extent as roads, *Kennedy* 7565——Considers the irrigation works under Col. Cautley very valuable works, *ib.* 7678——Suggestions with a view to general irrigation in Bengal, *ib.* 7685——Plan proposed would not endanger health, *ib.* 7686——Irrigation has been allowed to go very wild at Kurnal, *ib.* 7687——The question of irrigation is more important than that of the navigation, of the Ganges, *ib.* 7691——Believes no undertaking will be so profitable as irrigation canals, *ib.* 7699.

When the Madras Presidency first came into the possession of the English, the works of irrigation generally were in a very bad condition, *Sims* 8730——Statement of the annual revenue derived from irrigated lands, *ib.* 8734——Very great attention has been paid to works of irrigation since the time of Sir Thomas Munro, *ib.* 8735——The average annual expenditure of the last fifteen or twenty years is 70,000 *l.*, *ib.* 8736——Results of the increased attention to such works upon the revenue, *ib.* 8738, 8739. 8750. 8752. Description of the weir or dam across the Coleroon river, called the Upper Coleroon Anicut, *ib.* 8747——Object of the work, *ib.* 8748——Has increased the cultivated land from 540,000 to 670,000 acres, *ib.* 8750——Such works would undoubtedly repay money advanced at four and a half or five per cent. in a very short period, *ib.* 8753——Statement of the sums expended on works of irrigation in Tinnevelly, and on the Godavery Anicut, and the increase of revenue arising therefrom, *ib.* 8754, 8755——The increase is entirely from the land collections; there is no payment in Madras for the use of the water, *ib.* 8756. Increased irrigation has led to the establishment of a large sugar manufactory in Rajahmundry, *ib.*——On a very large scale, with all the improved machinery of the West Indies, *ib.* 8759.

The greatest difficulties in works of irrigation are want of a sufficient superintending and directing establishment, of engineers and of subordinate agents, *ib.* 8763——Such works are immediately under the collector, *ib.* 8765——Mode of obtaining the requisite sanction for them explained, *ib.*——New works must go to the Supreme Government for sanction, *ib.* 8766——Which occasions delay and inconvenience, and operates unfavourably, *ib.* 8767——Cases referred to as examples of the inconvenience of such control, *ib.* 8768-8770. 8774.

See also *Canals. Embankments. Public Works. Tanks.*

J.

Jagheedar Horse. Stationed at Belgaum, was raised for police purposes, *Melvill* 62.

Jaghire. The grant of a jaghire was formerly made from the land revenue, *Alexander* 1176——It is no longer given as a reward, *ib.* 1175——It would not give any right over the ryots in the Company's service, *ib.* 1177.

Jat. Jat peasantry between Lahore and Agra are a finer race than our southern peasantry in England, *Trevelyan* 6704.

Jejeebhoy, Sir Jamsetjee. Declined to sign the Bombay petition, *Willoughby* 3161.

Jemmadar. In the police service; his duties and pay, *Halliday* 3564.

Reports, 1852-53—*continued.*

Jotee Persad's Case. Referred to, *Lushington* 4547. 4564——A regular barrister was employed, and allowed to plead in English, *ib.* 4548.

Judge Advocate's Department. The appointments in it are with the Commander-in-Chief, *Cotton* 348.

JUDGES:

European Judges, generally:

Judges of the Supreme Court.
Judges of the Sudder Court.
Zillah Judge.
Sessions Judge.

Native Judges, generally:

Moonsiffs.
Sudder Ameen.
Principal Sudder Ameen.
Character of the Native Judges.
Training.

European Judges.—English judges should administer justice in the English language, *ib.* 2582——Judges ought not to be subject to removal at the will of one individual, *Lushington* 4577——Judges in India are chosen with insufficient regard to fitness, *Halliday* 3323——Greater attention should be paid in selecting them, *Willoughby* 2975——They are not so fit for their office now as when the office of register existed, *Reid* 2933——Are not equal to those that existed thirty years ago, *Willoughby* 3012——Would take them from persons who had acquired degrees in the study of the law, but not from the bar generally, *Cameron* 7334.

There is too little selection, and too little attention paid to the previous training of European judges, *Halliday* 3317——The only training of the civil judge is the knowledge he obtains in the collector's office and in the magisterial offices, *Reid* 2906——A man can never be a good judge unless he has had experience as a collector, *ib.* 2939——It is very desirable that he should have had previous training in the collector's department, *Hawkins* 4330——It affords better opportunities of becoming acquainted with the feelings and character of the natives, *ib.* 4331.

Reason why the average ability of judges is below the average ability of collectors, *Campbell* 3953——Judges, if competent, take no advice of their officials; but, if not very competent, cases are chiefly decided upon their opinion, *Hyder Jung Bahaudoor* 4738.

The judicial functions are not controlled by Government, *Willoughby* 2971——Judges freely decide against the Government, without the least fear that such decisions will interfere with their promotion, *ib.* 3255——They like to show their independence of Government, *Campbell* 3849——As far as they are concerned Government is at a disadvantage, *ib.* 3851——The judges at Agra considered themselves practically independent, *Lushington* 4577.

The judges, to a certain extent, have power to alter the fees in the courts, *Perry* 2762——Judges have the power, directly, in the upper courts, and indirectly, by recommendation, in the lower courts, of removing improper persons, *Halliday* 3329——Are less able to find facts than the natives, *Lushington* 4618.

Would make the judge a mere judge of civil and commercial matters, excluding criminal justice and landed tenure, *Campbell* 3854——The judge in criminal matters, and in cases relating to landed tenure, should have been a magistrate and collector first, *ib.*——Would maintain the criminal administration and the judicial determination of landed rights as part of the executive, *ib.*

Would have no objection to be tried before some of the Company's judges in the Mofussil, *Ryan* 2369——Native suitors prefer European decisions, *Reid* 2930——Would prefer the decision of the English judges to those of the native judges, *Baillie* 4011——The natives have the highest opinion of their integrity, *Lushington* 4580——The natives trust their integrity generally, *Hyder Jung Bahaudoor* 4652——There is a feeling of confidence in the integrity of the judges generally, *ib.* 4701. 4710——Grounds on which the natives are dissatisfied with the European judges, *ib.* 4672-4674——Very few of them have sufficient familiarity with the native language, *ib.* 4675——They generally know the language, but not sufficiently, *Islam Khan* 4795——A civil servant, when once appointed a judge, ought not to be removed from the judicial department, *Hawkins* 4334——A judge is higher paid than a collector, *ib.* 4336——It might be useful to have one of the judges of the Supreme Court to assist the judges of the Sudder Court, *Wise* 5400.

Judges

Reports, 1852-53—*continued.*

JUDGES—continued.

Judges of the Supreme Courts. Have but little experience of law as administered in the Mofussil, *Reeve* 5575——Have principally to deal with questions of English law, *ib.* 5583——More of their decisions have been reversed than of the Sudder Courts, *ib.* 5583.

Sudder Judge.—There is frequently a great difference in opinion among the judges of the Sudder Adawlut, *Baillie* 3989——Never heard the natives express anything like a suspicion of the honour of the judges of the Sudder Dewanny Adawlut, *ib.* 4026——In Bombay the judges of the Sudder Court go round by way of circuit, *Halliday* 3369, 3370——If paid as high as the members of the Board of Revenue, there would be no hardship in keeping a man in the judicial department, *Hawkins* 4336——Does concur with Mr. Millett, that the Sudder judges generally were officers of judicial experience, *Torrens* 8649——It is almost the rule now to appoint gentlemen who have not had previous experience, *ib.* 8658.

Zillah Judge.—A man generally becomes a zillah judge after about twenty years' service in India, *Millett* 2297——His jurisdiction is unlimited, *ib.* 2300——Tries very few original suits, *ib.* 2301——Zillah judge receives about 3,000*l.* a year, *Perry* 2694——If they were thrown open barristers of the Supreme Court would qualify themselves for the office, *ib.* 2579——A man sent out from England, having had an English education, would be more valuable than the ordinary zillah judge, *ib.* 2572. 2577——He now chiefly exercises appellate jurisdiction, *Ryan* 2407——And has immediate superintendence over the native judges, *Baillie* 4008——The number might be decreased if you had subordinate judges, *Campbell* 3860——He can call in native assessors; it has been done in some instances with great advantage, *Duff* 4213——The appointment cannot be held by a native, *Hawkins* 4302.

Sessions Judge.—Formerly delivered the gaols twice a year, now the Civil Judge is made the sessions judge, and delivers the gaols monthly, *Duff* 4207.

Judges' Clerks. In India they are of the rank of gentlemen, and Europeans, *Perry* 2779, 2783——Never heard of a practising barrister being a judge's clerk, *ib.* 2786.

NATIVE JUDGES:

Native Judges.—The Moonsiff is the lowest, then the Amin, the Sudder Amin, and the Principal Sudder Amin, *Hill* 2114—— They transact about 99-100ths of the whole business, *ib.* 2126——The employment of them to transact the bulk of the business was a very great improvement, *ib.* 2138——Are obliged to commence in the lowest grade, and Government very seldom set aside that rule, *Lushington* 4523.

Formerly they were merely selected upon the recommendation of the district judge, *Hawkins* 4285——In 1840 or 1841 it was left entirely in the hands of the authorities at Calcutta by a process of examination, *ib.* 4285——They go through a severe examination before appointed, *Ryan* 2438——System pursued in the selection and promotion of native judges explained, *Hawkins* 4285——It has undoubtedly been advantageous with reference to their qualifications, and has had a tendency to raise the character of the native judicial service, *ib.* 4290——The office of native judge is much coveted, *Marshman* 5104——Observations upon selecting the native judges from the bar, *Hawkins* 4305——They might be selected from the vakeels, *Baillie* 3971——Are, to a great extent, taken from the bar at Agra, *Lushington* 4519, 4520——The Mahomedans have been preferred, being considered as superior in integrity and energy of character, *Halliday* 3326——But the Hindoos, look upon the Mahomedans as deficient and stupid in the office of judge, *ib.*——They are generally Hindoos, *Ryan* 2421——Class of society from whence the native judges are taken, *Halliday* 3327, 3328——The majority of them are Brahmins, *Willoughby* 3277——They are generally of good caste, though not the highest, *Duff* 4215——The extended education now given to the natives has a tendency to form a class from whom they can be taken, *Marshman* 5105.

Statement of the pay of the different classes of the native judges, *Hawkins* 4299; *Marshman* 5099——The salary of the moonsiff is too small for his responsibility, *Millett* 2304——The pay of the native judges generally is thought to be insufficient, *Halliday* 3317. 3364; *Marshman* 5099. 5103.

Moonsiffs.—Are generally taken from the officers of the Court, *Reid* 2927——From the middling class, *ib.*——They generally belong to the highest class, the Brahmins, but are of poor families, *Perry* 2689, 2690——In regard to appointing men of low caste to the office, reference must be had to the popular feeling in the district; in Southern India no respectable native would go near the court if a Pariah was appointed, *Duff* 4216.

Their means of obtaining a legal education are very deficient, *Willoughby* 3282——The only means are the means the Mahomedans have in their Madrissas, where the Mahomedan law is taught, *Baillie* 4072——Students appointed to the office invariably make a point of carrying forward their legal studies, though they do not continue their studies in English literature, *Marshman* 6432——Before appointed they are examined before the

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JUDGES—Moonsiffs—continued.

judges of the Sudder Court, aided by their native officers, *Willoughby* 3279. 3284——A stringent examination is required of candidates for the office, *Marshman* 5097.

Their emoluments are too small for their responsibility, *Millett* 2304——They have very large jurisdiction, and are by no means sufficiently well paid, *Perry* 2688——Proportion of their salaries to those of the inferior European judicial appointments, *ib.* 2693——Are better paid in Bombay than elsewhere, *Willoughby* 3274——Are not sufficiently paid, *Hyder Jung Bahaudoor* 4647——Emoluments are not high enough, *Marshman* 5099.

Would be an improvement to allow them to decide summarily all cases of debt on bond under a certain amount, *Lushington* 4586——The average duration of a suit in the moonsiff's court is more than a year, *Reid* 2815——If small debt causes were transferred to the junior civil servants, the moonsiff might be entirely dispensed with, *Baillie* 4034——They decide about 100,000 cases annually; the office is of great importance to the community, *Marshman* 5099——Jurisdiction of the moonsiff is limited, at Madras, to about forty rupees, and at Bengal to sixty rupees, *Hill* 2114——Jurisdiction of the first and second class moonsiffs in the courts established by Mr. Caldecott, in the Saugor district, *Caldecott* 5445——Their pay, *ib.* 5472——It is as high as in the Regulation Provinces, but they had greater responsibility than in those Provinces, *Caldecott* 5474, 5475——Believes that the moonsiffs are to do some part of the magisterial work, *Macpherson* 8699.

Sudder Ameen.—The selection of them is vested in the judges of the Sudder Court, *Willoughby* 3276.

Principal Sudder Ameen. Is the highest grade of native judges, *Hill* 2114——He has an original jurisdiction, but is principally employed in trying appeals referred to him by the zillah judge, *ib.* 2115——There is no further appeal from him on the merits, *ib.* 2118——Some of them have a criminal jurisdiction, *ib.* 2144——Are appointed by the Government, *Willoughby* 3276——The office was created for the express purpose of bringing forward the natives in the higher offices in the administration of justice, *Halliday* 3720——On the whole the natives were pleased with the appointment, *ib.* 3713——And it certainly has had some effect in improving the character of the native judges, *Hawkins* 4297——The office was established about twenty years ago, *Hill* 2149; *Marshman* 5097——A native would reach the office after about fifteen years' service, *ib.* 5101——He has unlimited jurisdiction as to the amount of property he decides upon, *Willoughby* 3031; *Hawkins* 4300——He has a very large independent jurisdiction, *Halliday* 3730——Without any assistance or any check, except the appeal, *Willoughby* 3032——Would hesitate to advance them to the highest post of all on account of the want of moral principle, *Hawkins* 4300——It might lower the general tone of the administration of justice throughout the country, *ib.*——They get a very good salary, *Perry* 2691——Are sometimes employed as assessors, *Reid* 2831.

Jurisdiction of the native judges at Bombay stated, *Willoughby* 3031——Would have no objection to having one in the Sudder, or in any collective court, but would not give a single native superintendence over other judges, *Campbell* 3939——Course pursued if a native thinks that he has a cause of complaint against a native judge, *Hawkins* 4291.

Their Character.—On the whole the character of the native judges has improved of late years, *Reid* 2925——The certainty of European revision has no doubt had great effect on their character, *Lushington* 4516——The character of the natives appointed to the office of Principal Sudder Amin, Sudder Amin, and Moonsiff has gradually improved; the two superior offices were created by Lord William Bentinck, about twenty years ago; with some exceptions, the experiment has completely succeeded, *ib.*——The office is much coveted, *ib.* 5104.

The natives make very good judges, *Millett* 2303——When well looked after, the natives make very good judges, *Reid* 2837; *Wise* 5376——Cannot say much for their integrity, *Reid* 2820——Their chief deficiency is a want of integrity, *Halliday* 3323——Does not think ill of their integrity, *Lushington* 4514——Never heard the natives hint a suspicion of their being bribed, *ib.* 4585——There is no doubt of their integrity in general, *Hyder Jung Bahaudoor* 4648——Never heard their want of integrity complained of, *Hafiz Suderool Islam Khan* 4791——The natives consider them in a great degree free from venality, *Marshman* 5098——Cannot say that they are corrupt, *Wise* 7379——But are influenced by their feelings towards the parties and by the prejudices of caste, *ib.* 5380. 5389.

They give very good decisions generally, *Reid* 2819——Are extremely apt for the judicial office, *Campbell* 3937——Acquit themselves for the most part greatly to their own credit, *Duff* 4158. 4163——Are very efficient in the judicial office, *Lushington* 4514——They are very acute and anxious to show that they are qualified for the office *Marshman* 5097——Has been much struck with their capacity and power of administering justice, *Ryan* 2420——They discharge their judicial duties, legally speaking, very well, *Perry* 2549. 2687——Their judgments are extremely good, *ib.* 2550——In every respect superior to those of the Europeans, *ib.* 2753, 2754——Reasoning from the number of appeals, opinion of their decisions is very favourable, *Willoughby* 3035.

Sufficient

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JUDGES—Their Character—continued.

Sufficient attention is not paid to their training, *Halliday* 3317; *Duff* 4203——They want a knowledge of the principles of jurisprudence and of the laws of evidence, *Halliday* 3323——The great defect in the native judges has arisen from the want of proper legal training, *Duff* 4164. 4203——Notwithstanding the examination, which was a great improvement upon the existing state of things, *ib.* 4164.

See also *Administration of Justice. Appeal. Bar. Courts of Justice. Civil Service. Collector. Judicial Training. Jury System. Legal Education.*

Judicial Appointments. Are announced in the Gazette by the Judicial Secretary, *Willoughby* 3011.

Judicial and Revenue Departments. Should not be interchangeable all through the course of a civil servant's life, *Ryan* 2444——The selection of the Judicial Branch should be optional, subject to a veto from the Government, *Hawkins* 4339——The examination should be more rigid previous to entering it, *ib.* 4342.——*See* also *Civil Service.*

Judicial Committee of the Privy Council. In cases of special reference, do not sit exactly as a Court of Appeal, and give judgment; but report their opinion, which is submitted to the Queen, and when approved of, is transmitted to the Board of Control, with the Act of Council approving of it, *Reeve* 5564. 5566——The want of a gentleman acquainted with the Mofussil law in India, is considered a very great defect in its constitution, *Marshman* 5210——Ignorance of the law in the Mofussil frequently causes embarrassment, *Reeve* 5574——A judge of the Mofussil would be a useful member of the Committee to hear appeals from India, *ib.* 5576-5578——There is frequently great difficulty found in deciding cases depending upon Indian law, *Pemberton Leigh* 3761——There are no arrears, properly speaking, before it, *ib.* 3781.——*See* also *Appeals.*

Judicial Department. Natives have shown great aptitude for it, *Duff* 6233——Training for it will be much simplified when the law of India is codified, *Trevelyan* 6589.

Judicial Office. Before employment in it, a man should go through the Revenue Department, *Halliday* 3442.

Judicial Officers in India. Hold their office during pleasure, *Hill* 2215——Education of a legal character given in public institutions, would be likely to turn out good judicial officers, but training in the practice of the court is absolutely necessary, *Marshman* 5115.

Judicial Offices. The great thing to promote purity in judicial offices, is to have sufficient laws and a sufficient system, *Campbell* 3938.

Judicial Service (Native). The native judicial agency has been exceedingly useful, and has worked well, *Willoughby* 3029——It is in a great degree owing to the right of appeal, *ib.* 3226——The practice is to begin with being moonsiff, and to pass through the inferior grades before being admitted to the higher grades, *Baillie* 4027——The native ministerial officers are persons of a low social rank, and often of not very good character, *Halliday* 3328——A superior class of men has lately come into the judicial service, *Hawkins* 4298——Opinion is very unfavourable with respect to their character, *Edwards* 5830——Is of opinion that the time has arrived when the native law officer may be dispensed with, *Baillie* 4114.——*See* also *Native Agency.*

Judicial System. In India, consists of two distinct parts, the one for the Presidency towns, founded on Acts of Parliament and letters patent from the Crown, the other for the provinces, resting almost entirely upon acts of the local government, *Hill* 2090——The original judge being distrusted, provision is always made for an appeal, which is a great defect in the system, *ib.* 2129——The proceedings also are very technical, *ib.* 2128——It has been objected to on the ground that the judges have no previous training before they become judges of appeal, *Caldecott* 5546——Would not return to the old system of registrars, *ib.*——Remedy suggested, *ib.*——*See* further *Administration of Justice.*

JUDICIAL TRAINING. There is a great want of the means of judicial training in India, *Reid* 2921——Is strongly of opinion that some judicial training is necessary, *Campbell* 3854——Both Europeans and natives would be improved by something more than they have now, *Lushington* 4515——It would raise the standard of qualification both for European and native judges, *Hawkins* 4323——There is nothing equivalent to inns of court in India, *Perry* 2544——But some such institutions ought to be established, *ib.* 2546——Suggestions for the improvement of the judicial training in India, *Ryan* 2404. 2406-2411; *Halliday* 3321; *Baillie* 4114; *Willoughby* 2999, 3000——Mr. Elphinstone's plan is the best, *Willoughby* 2998——A greater amount of judicial training might be advantageously given, *Baillie* 4113——Would recommend a course of law lectures for the students at Haileybury, *Willoughby* 2980——Would suggest something like a university to give degrees, *Halliday* 3321——Concurs with Mr. Cameron's petition recommending it as part of the system of education at the Government colleges, *ib.* 3334, 3335——Would establish one or two law lectureships, which could be attended by all candidates for the judicial department, *Duff* 4164——A college for legal education should be

Reports, 1852-53—*continued.*

JUDICIAL TRAINING—continued.

placed at the seat of the Supreme Government, but not if the Supreme Government is at Calcutta, on account of the climate, *Campbell* 3931——Would suggest a school for legal education, *Lushington* 4518——Way in which the natives acquire their legal knowledge, *Hawkins* 4324——Would train them for the higher judicial offices by making them vakeels, *Baillie* 4044.

Mr. Shakespeare complained very much of the want of judicial training in the Company's servants since the abolition of the offices of registrar and deputy registrar, *Ryan* 2443——It would be very advantageous to employ the junior civil servants in the lower judicial departments, *Baillie* 4033——Small debt causes might be removed from the moonsiff, and transferred to them with very good effect, *ib.* 4033. 4039, 4040——Suggestions with a view to affording some legal education to the European judges, *Hawkins* 4325——Is not aware of any regular way of acquiring a knowledge of the law of India beyond the lectures delivered at Haileybury, *Duff* 6235——Would recommend keeping the judicial department separate, *Torrens* 8638——And would have the European covenanted functionaries appointed to very subordinate offices, and so trained for the higher, *ib.* 8638, 8639——Doubts if it would operate prejudicially by displacing natives, *ib.* 8646——It would be useful if he sat occasionally in court with the judges, or was obliged to attend the Supreme Court in Calcutta, *ib.* 8641——He should have the practical education which is always obtained in this country, *ib.* 8642.

See also *Administration of Justice. Civil Service. Code. Education. Haileybury. Legal Education.*

Juggernaut. Lord Broughton's despatch respecting our connexion with Juggernaut has not yet been carried out, *Tucker* 8365.——*See* also *Idolatry.*

Jury System. Exists at the Presidency in criminal cases; but doubts if it could be established in the interior; it did not answer in Ceylon, *Perry* 2804, 2805——But it has been tried usefully in Assam and Tenasserim, *ib.* 2806——The jury system in India is quite futile, *Reid* 2829——A jury system such as we have in England would not act well in India, *Campbell* 3942——A jury would never be an efficient instrument in criminal cases, *ib.* 3944——Opinion upon the subject generally is, that it is not likely to be attended with much advantage in India, *Baillie* 3981——The jury system was only in the form of assessors in Bengal, *ib.* 3982——Objections to introducing it in India, *ib.* 4030——The present system of juries might be extended with advantage, *Lushington* 4453——At present they are no more than assessors, *ib.*——The people were satisfied with their decisions, and approved of the system as long as you treated them as assessors, and kept them before you, *ib.* 4454——The proper working of the jury system in India does not depend upon the judge's knowledge of the rules of evidence, *ib.* 4622.

There would be a difficulty in finding juries for the trial of Europeans in the Mofussil, *Ryan* 2368——Government is never very popular with juries either here or in India, *Perry* 2715——There are no materials among the natives to constitute what we should call a jury, *Reid* 2834——The effect of admitting natives to the grand and petty juries has been very good, *Willoughby* 3258——Instance showing the advantage of having the assistance of a jury, *Lushington* 4615——Would in many cases, and to a useful extent, aid the judge in discriminating falsehood from the truth in evidence, *ib.* 4616——Would use jurymen to find the facts, and as assessors, *ib.* 4617——Would be sorry to try any heavy criminal cases without native aid, *ib.* 4621——Reason why the natives object to serve on juries, *ib.* 4457——Never detected a disposition to let off a Brahmin, or a man of high caste, *ib.* 4459——The natives are very indifferent to trial by jury, and do not appreciate it as we do in this country, *ib.* 4460.

See also *Administration of Justice. Courts of Justice. Code. Evidence. Judges. Punchayet.*

Justices of the Peace. Their commission runs in the name of the Governor in Council; but the Governor nominates them, *Willoughby* 3259——It is obtained from the Supreme Court; the intervention of which is quite unnecessary, *ib.*——Duties of justice of the peace described, *Hyder Jung Bahaudoor* 4750–4752——The natives are generally active in performing the duties of justice of the peace, *ib.* 4750——They were appointed in the time of Lord Elphinstone's Government, *ib.* 4753——Previously the Company's officers performed the duty, *ib.* 4754——The appointment of natives to the office is agreeable to the native population generally, *ib.* 4755——But they ought to have more power, *ib.*——Native gentlemen willingly accept the office of justice of the peace, *ib.* 4761.

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Kamavishdars. Are appointed by Government on the magistrate's recommendation, *Willoughby* 3124.——*See* also *Police.*

Kattywar. The British agent there is only invested with political authority, *Willoughby* 3248.

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Kazee. Mahomedan law officers in the Company's Courts; the opinion of the natives is rather in favour of their honesty, *Baillie* 3994——Was originally the judge of the Mahomedan law; but under our system in India it is merely a name for two kinds of officers, *Baillie* 4079.——*See* also *Courts of Justice.*

Kazee ool Koozzat. Is the name given to the head of the Mahomedan law officers who resides at Calcutta, *Baillie* 4079.

Keane, Rev. W. In 1846 went out with the Bishop of Calcutta as a missionary canon, and remained in the diocese of Calcutta three years and a half, the greater part of the time away from European society, 7774——Is of opinion that the wealth of the country is disappearing, 7779——Grounds of such opinion, 7781——Wealth is disappearing, but there is some temporal prosperity too, *ib.*——The people purchase English goods instead of the native to a great extent, they are so much cheaper, 7783——There is a freer distribution of money now than formerly; even if the amount is less, there is now a greater degree of confidence, and more free use of it, 7784——The signs of poverty extend to the state of the land and its cultivation; there is no doubt as to the impaired state of the roads in Bengal, and the filling up of the tanks, 7785, 7786——The consumers are not destroyed, they are only reduced in wealth, 7788——Attributes the poverty to the absence of the means of conveying produce; of canals for irrigation, and above all to the want of market, 7795——Also to the influx of steam manufacture, the removal to England of wealth, and to the extortion of the Zemindars, *ib.*

In the large towns drunkenness is greatly increasing among the natives, 7797——But only where the abkari system exists; means the licensing of the shop creates the sin of drunkenness, 7798. 7800——Evidence as to the way in which shops get established when they are not wanted, 7800——The worst feature of the system is that the Abkari European Commissioner is so far away from his subordinates, 7801——The amount of revenue raised is the general test of a good officer in India, 7802——But the European civil servants are the strongest condemners of the abkari; they are not induced to wink at practices which they would otherwise reprehend, 7803.

The salt tax is a most oppressive tax, and the greatest temporal curse upon the country, 7805——The price is very large, and the article filthy, 7806——The natives call it black salt, *ib.*——Does not believe that the tax represents more than one-third of the imposition, and yet the article is infinitely deteriorated, 7807, 7808——Looks upon it as a monster grievance, 7809——Would not propose an unlimited introduction of European salt, but would let the natives manufacture their salt as they do their other commodities, or let the Government distribute the salt under their own authorities as they distribute their spirits now, 7814——The superintendent of salt chowkies should exercise the same check upon the sale and quality as he now does upon the taxation; the Government also should retail it more than they do, 7815.

Travelled in a small native boat, 7816——Stopped every night and landed wherever there were villages to preach the gospel, 7817——Was in three villages a day, on an average, 7820——Gave a gospel to take home to all who would come and take it, 7822——Never returned to the villages, 7823——The tour was strictly an itinerating tour, *ib.*——And had no opportunity of seeing the effect produced, 7824.

Considers the character of the Government native servants imposes an awful responsibility upon the Government, 7825——Their principle seems to be to oppress and to cheat and to extort bribes, 7827——The "Calcutta Review" constantly exposes it, 7828——"The Autobiography of Panchcowreykan" is in the main undoubtedly true, 7830——It is notorious that property passes into the hands of Government servants, *ib.*——The first step to remedy the evil is to pay them according to their responsibilities, 7832——Has no doubt that the natives might fill very high offices with as much advantage to the state as to themselves, 7834——Would only make a native a member of council after having tried him in the office of collector, and found him trustworthy, 7835——A native in the council would exercise a good influence, *ib.*——The elevation of the character of the lower native servants of the Company would greatly tend to improve the condition of the lower classes, 7836.

Considers that the statement in the "Calcutta Review," that 1,000 persons are daily brought down to the Ganges to be exposed, is too strong, 7840——But rarely a day passes when travelling without seeing the sick at the Ghauts, 7843——Is of opinion that the practice is frequently resorted to for the purposes of murder, 7845——And that it might be safely suppressed by the Government, 7847——Though it would be difficult, the practice is so prevalent, 7847——Suggestions with a view to its suppression, *ib.*——Government might also put an end to the exhibitions of self-inflicted cruelties now seen in the streets, *ib.*——And might inquire into the condition of the dancing women of the temples; it is a description of slavery of a most awful character, 7848——Government should adopt some means of providing a home for orphans, for the children of criminals, and for children after a famine, 7849.

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Keane, Rev. W.—continued.

The Government is still connected with idolatry as being connected with the administration of the estates, and in the patronage of the temples in Southern India, and in payments to Juggernaut; believes that the number of pilgrims to Gya and Juggernaut is decreased, 7583-7861——The patronage exercised by the Government in the temples is, instead of the priests, appointing to vacant offices, the representative of the East India Company does so, 7863. 7866——But is not personally aware of any instance in which Government has appointed a priest, 7868——Government has made immense advances by its severance of itself from temples and pilgrim taxes, and in the reduction of the prestige of the Government connexion with Juggernaut and other false gods, 7862.

Education was the missionary duty to which witness specially turned his attention, 7869——Considers that the Government plan is highly efficiently carried out; visited most if not all the large English schools in Bengal, many of the smaller ones, and some of the vernacular; believes that they were all in an efficient state, 7874——Excepting the vernacular schools, which are in an inefficient condition, 7876——The efficient schools are only for pupils who learn English, and of the higher class, 7877——The education given in such schools makes the pupils much more proficient than youths in our grammar schools, 7878——The natives go to the schools in expectation of obtaining access to Government employment, but Government servants, who have the patronage, don't much like English taught students, 7879——Derives that opinion from personal intercourse with Government servants, 7880, 7881——Their expectations are as much above as their qualifications are below the practical standard of Government employ, 7881.

The moral effect of English instruction is certainly evil; it does away with a great deal of the influence of heathen discipline without substituting any moral influence in its place; it also gives them unity of opinion and political thoughts, which, without religious principles, produce almost unmixed evil, 7882——Opinions as to the moral evil of the present Government education referred to, *ib.*——Witness is not of opinion that education, unaccompanied with Christian instruction, is unmixed evil to India, because our English education is not unmixed with Christianity; they teach a great deal of Christianity without professing it, and that gives great encouragement with regard to the results of the system, 7883——The English books taught have undoubtedly sometimes a favourable effect in bringing the students to the missionaries, 7884.

If Christianity was taught in the schools the natives would attend, 7885——Number attending the missionary schools compared with the Government schools, *ib.*——It would only be in the case of Government coming forward in a prominent and direct way, that any difficulty might arise, 7890——The Government exhibit rather more than indifference to the spreading of the doctrines of Christianity; they rather lean against the missionaries, 7892——The strength of the Church Establishment in India is not much to the honour of religion, 7894——It was generally supposed in India that the Government, by the despatch called the Gagging Despatch, prohibited their servants from forwarding the cause of the missions, 7895, 7896——Thinks that if the Government were to assist the missions now it would work well, 7897——Though they do best when free from the entanglements of Government, 7899.

There was a certain amount of education very widely spread through India when we took possession of it, 7901——We have not taken it up and engrafted it on our own system, 7902——The two systems might have been united with great effect if the Government had entered into the subject of education as they ought to have done, 7903——India was an inquiring, educated country, 7904——It was not necessary to exclude teaching the Bible from the Government schools, 7905——It might have been introduced with perfect safety, 7907——Opinion of Mr. J. Keer, M.A., Principal of Hooghley College, to the same effect, quoted, *ib.*——The position that the Government have adopted, in regard to education, is that of neutrality, 7908——Does not think that neutrality really possible, 7909——Thinks that even the exclusion of the Bible has a tendency to make people curious to know what it is, 7984.

The enforced uniformity of system hinders improvement, 7910——The Calcutta system has not the confidence of civilians and people generally, 7911——It is the English national system imported into India, *ib.*——Is of opinion that the system of village vernacular schools, with large provincial schools, a lower standard of English literature, the Scriptures being allowed to those who choose to read them, is preferable to any other, *ib.*——And also a grant in aid to all efficient schools not connected with Government, *ib.*——At present the Madras system has shown nothing; the funds are accumulating, and the only result is, 200 boys are educated in an efficient way, 7912-7916——One reason is, they are told that they must not introduce the Bible, 7917——Believes that Lord Tweeddale wished the Bible to be introduced, but only on condition that it was introduced into all the Government schools as a matter of course, 7918.

The ecclesiastical staff of the country consists of three bishops, forty chaplains, and eighty assistant chaplains, 7920——Statement of the resolutions of the threefold conference of the Propagation of the Gospel, the Christian Knowledge, and Church Missionary Societies, on the subject of an increase in the ecclesiastical establishment of the country

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Keane, Rev. W.—continued.

country and on education, 7922——The number of chaplains is certainly inadequate to the wants of the country, 7927——Facts illustrating such opinion, 7929-7935——Chaplains should be required to learn the native languages; they are the only covenanted Europeans who are not required to learn them, 7936——Are the worst paid covenanted servants in the East Indies, 7938——A missionary is a more independent man, generally speaking, 7940——Disadvantages of the ecclesiastical establishment in a pecuniary point of view; it seems paid too little, or all the other services far too much, 7941-7946——Is of opinion that there are ample opportunities for a local church in India, 7946. There are seven churches in Calcutta, 7947——Served by ten or twelve chaplains, 7948——Ought to be served by clergymen supported by the congregations, 7949——A sum of fifty thousand pounds has been raised for the building, and 30,000*l.* for the endowment fund of St. Paul's Cathedral at Calcutta, 7953——But a charter of incorporation has not yet been obtained, 7954-7958——Reasons for regarding a grant of a charter as an important object, 7960 *et seq.*——Opinion is that there is not any security without a charter, 7965 Calcutta Cathedral is pretty well filled on Sundays, 8013.

A very little effort put a stop to the existence of slavery in India; it was almost like an accident, 7966——Believes that making the testimony of a slave legal upset the whole system, 7967——From the facility with which Lord Hardinge stopped the progress of public works on Sundays, and Lord Dalhousie repealed the law affecting converts, is of opinion that the Government might be bolder in doing away with the abuses of heathendom in India, 7968. 7970.

The missionary efforts in India are at present threefold: first, itinerating; secondly, evangelizing the neighbourhood; thirdly, exercising pastoral care of the Christians; also the work of Christian education is strictly missionary, 7971——The number of missionaries is about 400 clergymen and 1,600 native agents, 7972——A large number of catechists are being trained with a view to their ultimate ordination, 7991——The great body of missionary agents are catechists and school-teachers, 7974——Digest of the results of the mission, extracted from the Calcutta Review, *ib.*——The missionaries are the most popular men in India, 7975——Missionary's emoluments stated, 7976——Believes that in spite of every difficulty the work of making the Gospel known is hastening on, 7978. 7983——Is of opinion that more concert and more organization would do harm, 7979——Considers itinerating is a very important work in India, 7980——It spreads a general knowledge of Christianity; but taking a more limited circuit, and repeating the visit, influences more certainly the villages, and more immediate fruit is the result, 7981——It is best to combine the two, 7982.

The converts in India are calculated at 94,045, excluding Armenians, Syrians, Coptics, and Roman-catholics, 7985, 7986——Conversion has not made much progress in the Northern Provinces, but the little shown there is of a very superior order, 7988——It is a daily progress; the Brahminical principles are not now regarded as they used to be, 7990——Is not in favour of attempting a system of medical missions, 7992——Doubts the success of the system of Christian villages, 7994——Considers that a convert can do more good among his heathen relations, 7995.

Statement of the advantages which missionaries derive from the Government of the East India Company, 7999 *et seq.*——Are indebted to the Company for the administration of justice and the true exhibition of law on the part of the European covenanted servants of the Company, 8000——The only party peculiarly under disability is the Company themselves, 7999——Arising from the corruption of witnesses by the other party, 8002, 8003——Government might assist the missionary work by the introduction of the Bible, securing teachers, and by making the chaplains learn the language, 8008. 8010——The adopting of a proselyting system by the Government is unquestionably not desirable, 8015——Statement of indirect means by which missions might be assisted, 8016-8019——There is no ground for what is called the pledge of non-interference; the Christian community should be recognised in all acts of legislation, and all Christian endowments encouraged and protected, 8019.

Would wish Government to regard the children of Europeans in a more favourable light, 8020——We have not yet done what ought to be done for the country born population, 8022——The funds collected for the Protestant College at Madras are idle for want of aid, *ib.*

Kennedy, Lieutenant-Colonel John Pitt. Went to India as military secretary to Sir Charles Napier in 1849; was consulting engineer to the Government of India in the railway department, and head commissioner to report upon public works in Bengal, 7563——In the Himalayas constructed a new road to do away with the practice existing in the Hill States of tribute labour, 7564——It was also intended as a commercial road between the plains and Thibet, *ib.*——Statement of the circumstances under which the road was made, 7565——The chief difficulty in carrying on works in India is the want of an efficient supply of subordinate officers, *ib.*——Witness hands in a copy of rules for the guidance of the officers employed, *ib.*——It is impossible to make the extent of roads required at the high rate which works usually cost under the Military Board; there are not above 3,000 or 4,000 miles

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miles of good metalled roads in India, *ib.*——Irrigation canals are required to as great an extent as roads, *ib.*

The cheapness of land and labour is peculiarly favourable to the construction of works, 7571——The attention of witness was first called to economising expenditure in the construction of roads, when with Sir Charles Napier in Cephalonia about 1822; 7572——Where there was only about 15,000*l.* a-year for the expenses of Government and for public works, 7573——Statement of the way in which the expenditure was economised in Cephalonia, 7575-7578——In the Himalaya works the estimated expense of a road eighteen feet wide, reduced to 12 feet at the cliffs, was 130*l.* per mile, supposing the whole labour paid for; a great deal of it was tribute labour, 7580——In some parts recommended a mere mule track capable of future enlargement to a carriage road, 7581——Lieut. Briggs' last report shows an average cost for a twelve-feet road of 155*l.* per mile; the actual money paid, deducting tribute labour, was 123*l.*, 7581—— There was no difficulty in getting materials, 7583——Blasting was everywhere required to a great extent, 7584——The estimates included everything excepting powder, and a portion of the tools, 7586, 7587——Description of the tracks by which the traffic in the Himalayas is at present carried on, 7591——On the new road the maximum gradient was 3 in 100; 7598——There was one tunnel near Simla 560 feet long; it cost about 61*l.*; the cost of a tunnel for a single line of railway would be about 4*l.* 7*s.* per yard forward, exclusive of powder, 7599. It would be an interesting and useful application of convict labour if Government were to permit the Bombay Railway Company to employ convict labour in tunneling the Ghauts, 7600——It is very good labour, and if properly applied, is capable of producing most important results, 7603——Found the natives very clever as superintendents, but requiring distinct training and well defined rules for their guidance, 7604.

In Hill roads the chief cost is in the formation; in the plains the cost of formation is small, that of metalling considerable; the practice is generally to metal the roads with burnt clay, 7607——It stands the rains very well, but with heavy traffic soon wears, 7610——The road from Calcutta to Allahabad was not uniformly good, 7614——Has travelled by horse dawk at the rate of ten miles an hour between Allahabad and Meerut, 7616——The bridges are very good, 7619——Are wide enough for two bullock-carts to cross at once, 7620——They are fine stone bridges, *ib.*——One or two were down, but could easily be repaired, 7619. 7622——They have regular stage-waggons above Allahabad, 7626, 7627——The road from Benares to Meerut is very good, 7629.

Is of opinion that it would be very injurious to put tolls upon any new road in India, 7631——It is very difficult to levy a toll, 7632——In the plains, the road is frequently the only part upon which the people do not travel, 7647——Tolls are levied at ferries, 7634——It was intended to form them into a fund for making cross roads, but they have not generally been applied in that way, 7638——The only sound principle of roads is to make them, and leave all the world to travel on them freely, 7643——Considers Government directly responsible for the construction and repair for all roads, and though the application of tribute labour may be justifiable for their first construction, afterwards the maintenance of them should be borne by the public revenue, 7644——Would not have tribute labour where the revenue can bear the cost of labour, 7645——Any system of cross roads should be placed under local superintendence, but the Government should look to the laying out and construction of the works, 7646——In India everything must go from the centre, 7648——The result of the ancient municipal system is, that nothing was done, 7649.

Believes that the branch of public works has been taken out of the jurisdiction of the Military Board, 7650——Military Board, how constituted; the result was waste, confusion, and delay, and there was no alternative but to recommend a complete change in the system; recommended that in each Lieutenant-governorship an individual responsible officer should he charged with the works, 7651——As a deliberative body a commission may be useful, but it is a very bad head for an executive department, 7654——But of all commissions the Public Works Committee of the Military Board was the worst constituted, 7654, 7655——A great deal of the expense of the Delhi Board would be owing to it, 7656.

There are two ways of constructing public works, the one by contract, the other by private agency; the arrangements of a contractor are always good, but you rarely see labourers under an agent so well managed as a contractor's party, *ib.*——Efforts are being made to extend the contract system; considers contracts should be very limited in their extent, 7657——Is of opinion that contracts will be obtained if tenders are called for with judgment, but a great deal of trouble must be taken in the first instance, 7659——There is a great necessity for superintendence in works in India, 7661.

Buildings at Umballah appear pretty well built, 7664——So at Dagshai and Lahore, 7665——Brick is used at Lahore; stone at Dagshai, 7666——Mortar is very good, 7668——In making a road with bricks it is better to pave it with the bricks on end, 7679——Stone is generally used for bridges, otherwise brick, 7671——The roads usually travelled on are just the ordinary field, 7674.

Considers

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Considers the irrigation works under Colonel Cautley very valuable works, 7678——The embankments in Bengal are a source of great expense to the Government; the space for water is generally less, and the sections of the embankments inferior to what they ought to have been, 7679——A commission, some time ago, recommended that they should be left to a state of nature, 7680——Is of opinion that any project on the subject ought to embrace two principles, a general irrigation of the land, with a power of correcting the course and facilitating the exit of the water after having made its deposit, 7685——It would not endanger health, 7686——At Kurnal, irrigation was allowed to go very wild, 7687——A slope of five to one is the best for embankments, in order to secure their standing, 7688. 7757.

It would not be a judicious investment to improve the navigation of the Ganges, even at a moderate cost, 7682——Some engineers have suggested improvements at a cost of 60,000*l.* a mile, 7683——Has a very high opinion of the works upon the Ganges Canal, 7689——The navigation of the Ganges is a secondary question to that of agricultural irrigation, 7691——Would like to see the whole of its waters applied to agricultural production, 7693——By applying the principle of private enterprise to canals and embankments, you would be putting away large profits from the Government; no undertaking will be so profitable as irrigation canals, 7699.

Statement of what has been projected with regard to railways in India, 7700, 7701——And of the principles upon which the selection of and after working of railways should be based, 7702——Regulating features of the country described, *ib.*——Is of opinion that a good system of railways would enable you to reduce one-fourth of your army, *ib.*——System of railways recommended by witness stated; the projects would embrace about 5,177 miles, at an average cost of 5,000*l.* a mile, 7703——The principle should be to run as few trains as possible, with the heaviest loads possible, and at a moderate speed, and to give the engine the greatest possible advantages with respect to inclines, 7704——The valley lines will generally fulfil those requirements, and be the cheapest lines, 7705——Would rather take all possible difficulties in a sea coast line than cross the hills, 7708——Would rather face three miles of inundation; with a slope of 1 in 330 it would require a base of ninety miles to ascend the Ghauts, 7709——With steep gradients, you must have numerous trains, and nothing is so expensive in railways as a great multiplication of trains, 7712——It is difficult to suggest any case so difficult as not to be preferable to an ascent of 1,700 feet, 7714——With regard to the railway from Calcutta to Raj-mahal, does not apprehend any great difficulties from inundations, 7719——For the present would recommend breaks at the mouths of the Jumma and Soane, 7721——It is after all a question of expense, 7722——Does not think that there would be any insuperable difficulty from the large tracts of sand on the banks of the rivers, 7724——As to the possibility of executing railways by private enterprise, the first railway which opens and pays well will settle it in favour of private enterprise, but if useless expenditure is incurred, the other way, 7727——It is not dangerous for Government to give a guarantee to a company in the first instance, 7728——The contract of the Bengal Company is high, 7732——Single lines are proposed, excepting the first forty miles from Calcutta, 7734——Would take ground enough for two, 7735——And use iron sleepers, 7737——The average cost would be about 5,000*l.* a mile, if iron can be had at a reasonable price, 7740——Suggestions with a view to secure economy in the construction and maintenance of railways, 7742——The price of land per mile in Lower Bengal is about 500*l.*, 7743——For about about fourteen or fifteen acres, 7744——Would rather have a level line at 14,000*l.* a mile, than a steep one at 7,000 a mile, 7751——It is important to carry a line into the Deccan, but merely for the traffic of the Deccan, 7752——Access to Candeish and the northern part of Berar would be better attained by a coast line, than by a line through the Deccan, 7754——A railway from Allahabad to the Upper Provinces would run nearly in the line of the intended canal irrigation, 7767——It would not be desirable to pass the one on the embankment of the other, 7768——Has no doubt but that sound speculation in iron in India will afford important facilities to the construction of railways, 7771——There is coal in the iron districts, but not of a very good kind, 7772.

Kensington College. Referred to, *Pasley* 5743.

Kerr, Mr. J., M.A. Opinion upon the question of introducing the Bible as a class book into the Government schools, *Keane* 7907.——*See* also *Appendix* (H.) *Second Report, p.* 476.

Khytal. The same criminal law was administered there as in the provinces, but we depended a good deal more upon the village system of responsibility, *Campbell* 3809——The instructions were to conform to the regulations, *ib.* 3810——In the Revenue Department, had special instructions for the most part conformable to those of the North Western Provinces, *ib.* 3811——It had a civil code of its own entirely differing from any in the Regulation Provinces, *Campbell* 3811——Believes that it came from some other non-regulation province, *ib.* 3812——Previous to 1843 should say there was no law at all, *ib.* 3817——Some of the villages kept up a kind of fight with the Government, paying their revenue outside the gates, *ib.* 3843.

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Kulin Brahmins. Are the highest grade of the highest caste, *Duff* 6103——Are alone entitled to more wives than one, *ib.* 6184.

Kurnal. Has been given up eight or ten years, *Melvill* 170——During the later years of its occupation the mortality there was very great, *ib.* 171——Some years back it was considered a healthy place, *Lord Gough* 739——The European troops have been removed, but there are three officers there; it is a stud station, *ib.* 740.

L.

Labour. Is very much wanted in the settlements in the Straits, and is very valuable, *Halliday* 3538——In India the supply of labour, as well as money, is limited, *Sims* 8853.

Labourers. In India may be had for 3*d.* a day, *Kennedy* 7599. 7645.

La-Khiraj. Meaning of the tenure so called, *Baillie* 4064——Depends upon the validity of the document under which the lands are held, *Torrens* 8554——The tenure existed before our possession of the country, but the parties were required to register the documents to ensure their validity afterwards, *ib.* 8560——It is necessary to go back to 1765 to establish the right, *ib.* 8562——Considers that a document must have been produced in every case, *ib.* 8565——If the original document was lost, proof that it had been registered as valid would be sufficient, *ib.* 8566——But proof only that the land had been held rent-free from the time of Ackbar would not establish the presumption of an original good title, *ib.* 8565. 8567——The law requiring registration is a British law, *ib.* 8568——Generally the registers are not carefully kept, *ib.* 8571——It is frequently difficult to discover whether a document has been registered or not, *ib.* 8573——Has heard complaints of the administration of justice with regard to rent-free tenures, *ib.* 8574, 8575.

See also *Land Tenures.* *Tenures.*

La Martiniere. The institution is always full, and many applicants cannot be admitted, *Wise* 7089——It bestows an excellent education, and affords religious instruction, modified in a certain degree, *ib.*

Land Revenue. They never sell for it in the North-Western Provinces, *Lushington* 4595——Looks forward to the time when it will be entirely collected by natives, *Trevelyan* 6588——Madras and Bombay are very much behind the North-Western Provinces in land revenue arrangements, *ib.* 6774.

Land Sales. Would concur in a law to discontinue the sale of land in the execution of decrees, *Lushington* 4592——Objects of such a measure, *ib.* 4593.

Has been an advocate of land sales for many years, *French* 9029——But not upon the principle followed on the Bengal side, *ib.* 9030——Would allow the cultivator to purchase the Government tax, all other demands on his farm remaining in force, *ib.*——Tracts of land long out of cultivation would be disposed of on condition of paying the village its dues, *ib.*——Would expend the proceeds on the improvement of the country, *ib.* 9031——At present the people of India cannot invest their money in landed property, of which they are exceedingly fond, *ib.*——Landed proprietors are becoming day by day extinct, *ib.*

Land Tenures. Statement of the different land tenures existing in India, *App.* (C.) *Third Report, p.* 144 *et seq.*

LANGUAGES:

Oriental Languages.—There is but little use in teaching them in this country, *Ryan* 2440——They are better acquired in India than in this country, *Willoughby* 2984——Instruction in the Oriental languages should be given in the East, *Halliday* 3398. 3401——Only the alphabet, a few of the commonest words, and a little of the grammar should be taught in this country, *Campbell* 3895——About four-fifths of the student's time at Haileybury, if industrious, is given to the Oriental studies, *Rev. H. Melvill* 4850. 4909——Too much attention is given to Oriental studies, *ib.* 4851. 4858——The student at Haileybury should be thoroughly grounded in the grammar and character of the vernacular language of the Presidency he is destined to, *ib.* 4920——But would not carry his Oriental studies further in this country, *ib.*——It would be very desirable, by restricting them, to give more time to European studies, *ib.* 4910——Would rather leave Oriental language and literature for India, *ib.* 4911——Would recommend teaching merely the Arabic and Sanscrit in this country; the vernacular languages are more readily learnt in India, *Wilson* 7315——The vernacular languages in India are in course of being very much improved, *Duff* 4140——They are really now in a state of transition, *ib.* 4142——The vernacular languages were taught at Hooghley with a great deal of effect, *Wise* 6970——All public business is transacted in the vernacular language, *Willoughby* 2987——Everything which extends the cultivation of the vernacular languages extends the cultivation of the English, *Trevelyan* 6618——Has always regarded them as the great channels of distribution to the ordinarily educated many, *Duff* 6195——Plan for making them the vehicles of sound moral instruction, *Wilson* 7246——The vernacular language was declared

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LANGUAGES—Oriental Languages—continued.

declared to be the language of courts of original jurisdiction in the provinces by Lord Auckland's administration in 1837, *Duff* 4203——The consequence of not being acquainted with it is to nourish feelings of dislike and prejudice to the natives, *Trevelyan* 6913——The elements of the native languages are more readily acquired in the Presidential towns than in the interior, *Halliday* 3405-3408——A language is sometimes learnt which is not of any great use afterwards, *ib.* 3424——Two vernacular languages are required, in the Upper Provinces, Hindee and Ordu; in the Lower Provinces Ordu and Bengalee, 3438——Languages spoken in the Madras Presidency, *Tucker* 8312-8314.

Hindoostanee.—Hindoostanee may be acquired in twelve months, *Perry* 2581——In many cases, especially in Bengal, is as foreign to the natives as English, *Halliday* 3345——Is very largely in use in Calcutta, *ib.* 3409——It is spoken by the Mahomedans as well as by the Hindoos, *Baillie* 4020——Was appointed to be the language of record by Lord Auckland's administration in 1837, *Duff* 4203.

Arabic.—There was a disposition on the part of the Mahomedans to learn Arabic, in order to qualify themselves for law offices, *Wise* 6955.

Oordu.—Pleadings in the Sudder Court are in Oordu, except in cases in which the native vakeel pleads in English, *Hawkins* 4316.

Persian.—Is becoming of less and less importance in India, *Willoughby* 2986——It has entirely ceased to be the official language, *ib.* 2987——It is not necessary for the Political department, *ib.* 2988——Has always been the written language of the Mahomedans of India, *Baillie* 4020——It was the law language of the Mahomedans, and was taken up as our law language, *Duff* 4203——To a great extent, the acquisition of it has become practically useless, *ib.* 6260——The use of Persian has practically disappeared in India, *Trevelyan* 6679——It was discontinued about the time of Lord W. Bentinck, *Wilson* 7139——The abolition of Persian has brought the European functionary into direct communication with the natives, *Trevelyan* 6617——The facility with which the cessation of the use of it as an official language was accomplished, affords the greatest encouragement to go forward in the same direction, *ib.* 6610——Would not recommend the study of Persian in the universities, *Cameron* 7343——Never knew but one female who could either read or write Persian, *Trevelyan* 6818. 6822——The Persian character has been introduced into the Courts in the Saugor district, *Caldecott* 5503.

English Language.—Its progress has been very considerable during the last twelve years, *Perry* 2586——Self interest has acted powerfully in extending it, *ib.* 2587——The most respectable persons at the Presidencies learn it, *ib.* 2588——There are many English schools set up, and supported by the natives, *ib.* 2590——The knowledge of it is increasing, but the number of native judges who understand it is small, *Halliday* 3342——Its extension is very much to be desired, *ib.* 3344——On the Bengal side, it would be utterly impracticable to make it the language of the Company's Courts, *Baillie* 4018——The use of the English language is advancing with very great rapidity in the Presidency of Bengal; the taste for its acquisition has been spreading since about 1816, *Duff* 4143——It has been increased by the extended employment of the natives, *ib.* 4159——Class of people by whom it is principally acquired, *ib.* 4149-4154——The result for good or for evil of the acquisition of the English language, will depend upon the use the natives are led to make of it, *ib.* 4156——It is capable of being turned to great good or great evil, according to the subjects taught, and the use which is made of it, *ib.* 4161——There is no difficulty in teaching it in the schools *pari passu* with the mother tongue, *Perry* 5889——Would not introduce English as the language of the Court; it would create great confusion, and be very disagreeable to the natives, *Lushington* 4544——But would afford all facilities for pleading in English if the parties on both sides are desirous of doing so, *ib.* 4546——Does not think it possible to introduce the English language into the Mofussil Courts as the language of business, *Marshman* 5190——The knowledge of English among the people is extremely limited, *ib.* 5191——The substitution of Bengalee in the Bengal Courts, and Hindostanee in the Courts of the North-western Provinces in lieu of the Persian, was a very popular innovation, *ib.* 5190——Any attempt to introduce English would create great disaffection, *ib.*

Statement of the different languages in use in India, with map illustrating the divisions in which the various languages prevail, *App.* (C.) *Third Report, p.* 153.

See also *Education. English Literature. Haileybury.*

Lascar. Would define him as a native seaman, *Crawford* 1785——They are mostly native subjects of the East India Company, *ib.* 1794——They are sailed at a cheaper rate than Europeans, though more are required, *ib.* 1796-1801——They are hired under a serang, *ib.* 1802.

Latin. Is the least useful qualification at Addiscombe, *Pasley* 5738.

Law Commission. The Commissioners were to revise all the branches of the law, *Hill* 2186——But they have done very little of what the Act prescribed for them, *ib.* 2190——The Commission has proved a failure, *ib.* 2189——The Commissioners wished to make

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their examination ambulatory, but the Government refused its sanction, *ib.* 2191-2193——The Commission is practically extinct, *ib.* 2207——By the act of the Company, *ib.* 2208——Evidence upon the 53d section of the last Charter Act, relating to the Law Commission, *Melvill, J. C.* 5219 *et seq.*——Practically, the Commission has ceased to exist three or four years, *ib.* 5233——Case and opinion upon the construction of the section, *see Second Report, p.* 593——Statement of its annual cost, *ib.* 2209-2214; and *see Second Report, p.* 593——Objects of the Commission described, *Ryan* 2357——The Commissioners made an elaborate report on the law in the Mofussil for foreigners, *ib.* 2383——Remarks upon the proceedings of the Commissioners, *ib.* 2447——It would be desirable to have the Commission continued, unless Mr. Cameron's plan were adopted, *ib.* 2454——The recommendations of the Commissioners might be satisfactorily considered by a Commission in this country, *ib.* 2455. 2458——The Law Commission was a very happily constituted body, *Perry* 2674——The legal mind in the Commission was Mr. Macaulay's, *ib.* 2677——The Commissioners sat apart from the Legislative Council, and formed their own schemes, *Halliday* 3467——Their recommendations could not be embodied in the form of an Act of Parliament here, *ib.* 3468——They prepared a criminal and a civil code, and also a code of procedure, but they only brought in a portion of the criminal code in an objectionable form, *Wise* 5418——Recommendations of the Commissioners respecting the interpretation of the law in doubtful cases, *Willoughby* 3215.——*See* also *Code. Legislation.*

Law in India:

It has too much of judicial nicety, *Hill* 2113——The rules of proceeding are a great deal too technical, *ib.* 2128——Decisions are constantly proceeding upon technical points rather than upon the merits, *ib.* 2133——Some improvements have taken place during the last twenty years, *Ryan* 2355——Law reforms have invariably been laid on the shelf; the probable reason why, *Perry* 2635-2638——Remarks upon complaints made by the natives of changes in the law, *Duff* 4167——Never found any difficulty arising from the state of the law itself; it was laid down in the Regulations, *Reid* 2944——In doubtful cases it is interpreted by the judges of the Sudder Adawlut, which is very objectionable, *Willoughby* 3214——Much inconvenience and increase of litigation is occasioned by the unsettled state of the law, *Baillie* 4004——Instances of the inconvenience arising from the unsettled state of the law, *ib.* 4081. 4083.

In 1772 Warren Hastings provided that suits between Hindoos should be decided by the Hindoo law, between Mahomedans, by the Mahomedan law, and the rule was afterwards embodied in an Act of Parliament, *Marshman* 6552——The law in the Mofussil is personal, and not local, *Ryan* 2381——It is the law of the defendant, *ib.* 2382; *Hill* 2110; *Reid* 2950——In cases where neither the Mahomedan law, nor the Hindoo law, nor the Regulations apply, the decision is entirely discretionary, *Baillie* 4002, 4003. Four great systems of law are regularly administered in Bengal, *Duff* 4138——Description of them, and to whom they are respectively applicable, 4138——There are certain classes left without any fixed law at all, *ib.*

Way in which laws are published in India, *Willoughby* 3056; *Halliday* 3674——Previous to their enactment, they are always referred to the subordinate governments, *Willoughby* 3072——They are translated into the native language, but if the translation, which is published by authority, is disputed, the original law must be referred to, *Hill* 2181-2183——Remarks upon the difficulty of translating laws originally made in English into the vernacular, *Marshman* 5192. 5194.

All the English law existing down to 1726 is considered as imported into the Supreme Court at Calcutta, *Ryan* 2401——English law could not be applied to remedy the inconvenience resulting in many cases from the want of positive law, *Baillie* 4006——It is quite unknown to the natives, *ib.*——Would very much dread too much of an infusion of it into the administration of India, *Hawkins* 4348——It is a great aim on the part of many judges to follow it, and force it upon the natives, who are particularly averse to it, *Lushington* 4413——Cases in which it is applied in the Sudder Court, and how the law is ascertained by the judges, *ib.* 4554.

Hindoo Law.—Knowledge of the Hindoo law is acquired by reading the translations of various treatises, *Ryan* 2391——In the Mofussil it is obtained by questions put to the Hindoo law officer, *Reid* 2945——Properly speaking, the Hindoos had no law of their own when our Government assumed the administration of justice in Bengal, *Duff* 4167. Remarks on the Hindoo law imposing the forfeiture of patrimonial estate upon renunciation of Hindooism, *ib.*——Hindoo law is doubtful upon the point whether land should be saleable for simple contract debts, *Lushington* 4605——But the Hindoos do not object to it, *ib.*——Before putting down Sutteeism in India it was found that there was no authority for it, according to the best treatises on Hindoo law, *Halliday* 3682——It is part of the Hindoo law that every person renouncing Hindooism shall forfeit his ancestral property, *Marshman* 6497——He shall not inherit property, *ib.* 6516——But believes that it would not deprive a man in possession for neglecting to perform the annual funeral rites of his father, *ib.* 6530. Hindoo law is violated with impunity in Calcutta, *ib.* 6543——Its penalties are evaded, in cases of loss of caste by transportation, by the payment of a large penalty, *ib.* 6548——Its precepts have been set aside in numerous instances by Government,

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ment, *ib.* 6550——Hindoo Shastras consider the performance of certain funeral rites absolutely necessary to the repose of the soul in the next world, *ib.* 6498.

Mahomedan Law.—The whole of the punishments have been altered, *Hill* 2163——Also the rule of evidence, *ib.* 2164——A knowledge of it is obtained from the translations of various treatises, *Ryan* 2395-2399——And in the Mofussil, by questions put to the Mahomedan law officer, *Reid* 2945——Who would give his opinion upon the law and the fact, *ib.* 2960——The Mahomedan law, as modified by the Regulations, is chiefly referred to in criminal cases, *ib.* 2951——It is well defined, *Baillie* 3994——It is a very well-defined system as far as it goes, *ib.* 4073——The law merchant is not included in it, *ib.* 4074——It did not prevail under the Mahratta Government, *Willoughby* 3146——For centuries the Mahomedans insisted upon administering their criminal law to the Hindoos, and also their civil law where a Mahomedan was concerned, *Duff* 4167.

Parsee Law.—We do not know where it is to be found, *Perry* 2808——Generally where the Parsees refuse to submit to the decisions of the Punchayets, the cases involve matters of doctrine and religion, *ib.* 2807.

Law Department.—The English language has been adopted in the Law department to a greater extent than formerly, *Trevelyan* 6615——The judges are now obliged to record their decisions in English, *ib.*

Law Taxes.—In Kattywar a small per-centage is levied on the amount of the suit, *Willoughby* 3237——Law taxes if imposed with a view to check litigation, are not tenable in principle, *ib.* 3243——In the abstract a stamp duty on legal proceedings is bad, *ib.* 3245.

See also *Administration of Justice. Appeal. Bar. Code. Collector. Costs. Courts of Justice. Evidence. Judges. Judicial System. Jury System. Language. Litigation. Lex Loci. Marriage. Native Agency. Oaths. Punchayet. Technicalities.*

Lectureships. Should be established on high professional subjects, such as law and civil engineering, open to the students from all institutions, *Duff* 6247.

Legal Age. In India legal age is sixteen years, *Duff* 4279.

Legal Education. Legal education for the natives would be desirable, *Millett* 2332——It should not be technical, but in the general maxims and principles of equity, *ib.* 2349——Much professional legal knowledge is not required for the ordinary functions of a judge in India, *ib.* 2348——Remarks on legal education, *Marshman* 5106-5108. 5115 *et seq.*——A professor of law might be established with great advantage both in the Hindoo College and in the Mahomedan Madrissa, *ib.* 5106——And in some of our institutions a law professor might be appointed with great advantage, *ib.* 5107——Were education given in the public institutions having more of a legal character, you might obtain men who would be likely, if adequately paid, to turn out useful officers in the courts of justice, *ib.* 5115——A better legal education would improve the vakeels independently of the officers, *ib.* 5116——A legal education is the only course which would have a tendency to raise a better class of practitioners in the courts of justice, *Norton* 6353——A distinct collegiate course of instruction in law is a measure of the greatest importance of any connected with the education of the people, *ib.* 6356——The higher classes at Hooghley College read the Arabic and Persian law books, *Wise* 6967——There are no funds for the purpose of giving legal instruction in the Government colleges, *Marshman* 6430——A chair of law might be attached to the principal institutions with great advantage, *ib.* 6431——Recommends the establishment of law professorships, *Trevelyan* 6630——A competent legal training cannot be acquired until the laws of India are codified, *ib.* 6609——It is next to impossible for any man to acquire a knowledge of the law of India; it would take a lifetime to learn the languages in which it is contained, *ib.*

See also *Administration of Justice. Courts of Justice. Civil Service. Education, Judges. Judicial Training. Native Agents.*

Legal Remembrancer. Is a barrister of the Queen's Court at Bombay, under whose advice collectors institute suits on behalf of the Government, *Willoughby* 3257.

LEGISLATION:

Legislation in India. Suggestions for making it more effectual, *Hill* 2201——It is very desirable in a country like India that the Governor-general should have a legislative council to consult with, *Perry* 2725——It would be an improvement to have the judges of the Sudder and of the Supreme Court in it, *Reid* 2965——Suggestions for the improvement of the Legislative Council, *Millett* 2321-2328. 2340; *Ryan* 2466; *Halliday* 3475-3501——The Legislative Council, as suggested by witness, would be entirely distinct from the Executive Council of India, *Halliday* 3477——And if constructed as proposed, would be for general purposes of legislation, *ib.* 3663——The main defect in the Legislative Council is a want of representatives from the other Presidencies, *Willoughby* 3055——Representatives from subordinate Presidencies would probably carry great weight, *ib.* 3061-3065——They should be named by the Home Government, *Willoughby* 3070——Would

Reports, 1852-53—*continued.*

LEGISLATION—Legislation in India—continued.

rather see the legislative power centralised than enable each Presidency to pass Regulations, *Halliday* 3497 ——It should be vested in the Government of India only, *Willoughby* 3054. 3057——Would not deprive the Governor-general of the power of making laws to meet any emergency, *Hill* 2203; *Millett* 2334——Each Presidency should have the power of passing laws on an emergency, but in no case to extend to taxation, *Halliday* 3497, 3498 ——Current legislation in India must be done by the local government, *Ryan* 2456—— More power should be given to the local governments for legislation, *Perry* 2727——The necessity of referring to Calcutta acts of legislation always occasions more or less delay, *Willoughby* 3219.

Would not associate natives with a Legislative Council, *Hill* 2202; *Millett* 2328—— Objection to doing so, *Hill* 2202——Would not object to the introduction of some natives into the Legislative Council, *Ryan* 2473——Generally the natives do not show much desire to take part in legislative proceedings, *Ryan* 2485——The people do not generally regard such subjects, *Perry* 2723——Would not have a native as an assessor without the power of voting, *Halliday* 3501——It is difficult to obtain native assistance except, as now, by consultation and correspondence, *ib.* 3483——Legislation is much influenced by the natives, *ib.* 3487——In legislation for India the predominant disposition has been to consult the peculiarities of the natives as far as practicable, *Duff* 4166——Suggestions with a view to obtaining the opinion of the natives upon draft Acts; they feel it a grievance that they are not sufficiently consulted with reference to laws affecting their interests, *ib.* 4213.

The Legislative Council passed many regulations, but cannot say whether they were founded on Mr. Macaulay's code, *Reid* 2962——Very enlarged powers of legislation were given by the Act of 1833, *Ryan* 2356——Legislation in India should be entrusted to the Supreme Government, *Perry* 2721 ——But the country is not yet ripe for general legislation, *ib.* 2722——The time for summoning a Legislative Council at Calcutta has not yet arrived, *Duff* 4213.

Thinks that the natives will be very dissatisfied when they hear that they are to have no voice in legislating for their own country, *Macpherson* 8700——The constitution of a body of natives to give an opinion upon measures particularly affecting them would be much prized by them if their suggestions were likely to be attended to, *ib.* 8705——It would be more advantageous to Government than applying to private individuals for their opinion, *ib.* 8706——It would be of great importance, and give great satisfaction to the natives, if parties had an opportunity of orally stating their objections to proposed laws, *ib.* 8708, 8709. 8711——There is no practical objection to such a course, *ib.* 8710.

Suggestions in the event of a native being selected for a seat in council, *Macpherson* 8715 *et seq.*——Should be selected by the Governor-general personally, *ib.* 8716——It would give general satisfaction if a native merely known to society in Calcutta were appointed to the Legislative Council, *ib.* 8717——He need not necessarily be a man of very high caste, *ib.* 8718——But should pay particular attention to what is deemed necessary according to his particular caste, *ib.*——Opinion that the proposed separation of the executive from the legislative power will not diminish the respect and authority of the Governor-general in the eyes of the natives, *ib.* 8721. 8723.

The 43d section of the last Charter Act confers a free power upon the Legislative Authority in India of entertaining legislative questions, subject to the power of disallowing or directing the repeal which is vested in the Home Government, *Melvill, J. C.*, 5211-5218——Case and opinion upon the construction of the clause; See *First Report, p.* 591.

See also *Code.*

Letters. From sepoys to their friends pass free, *Melvill* 197——Lord William Bentinck desired that every letter should have a short abstract of its contents annexed to it, *Trevelyan* 6886.

Lex Loci. It had reference merely to civil jurisdiction, *Hill* 2155-2158——There was a great deal of writing on the subject, but no proposition that required either sanction or rejection, *ib.* 2159——It did not fail from any delay on the part of the Law Commission, but from other causes, *Millett* 2319——Is not aware that the Law Commissioners drew up a code for establishing a Lex Loci, *Campbell* 3807——The Lex Loci was intended to put an end to the very anomalous state of the law in the Mofussil, *Halliday* 3656—— The state of the law in the Mofussil does not affect the settlement of Europeans in the interior, *ib.* 3654——It has been a great drawback to the settlement of the English in India, *Trevelyan* 6732——The Lex Loci, or Code of Common Law, proposed to be introduced into the Mofussil, is of considerable importance, but not so great as it is regarded by the Law Commissioners to be, *Marshman* 5199——Does not think that the want of such a law discourages Europeans from settling in India so much as other causes, *ib.* 5198.—— Anomalies in the present state of the law pointed out, *Duff* 4167——There is one system in the North-western Provinces, and in Bengal another, in many respects dissimilar, *ib.*

Lex Loci, or Liberty of Conscience Act, No. 21 *of* 1850. There were representations from Madras and Calcutta respecting it, but not from Bombay, *Halliday* 3678——A similar law had been in force in Bengal for eighteen years previous, *ib.* 3683——It is of the highest importance to the interests of the country, *Marshman* 5197, 5198——History of the origin of

Reports, 1852–53—*continued.*

Lex Loci, or Liberty of Conscience Act, No. 21 *of* 1850—continued.

of the Act, and of the movement against it, *ib.* 6494. 6506. 6513. 6517. 6537——Is of opinion that the Government was fully warranted in altering the law of inheritance in India, *Duff* 4167——Lord William Bentinck altered the law in Bengal, *ib.*——The natives have complained of late of alterations in the law, particularly with regard to the law of inheritance, *Duff* 4167——Believes the agitation against it is as yet confined to the Presidencies, *Macpherson* 8713——Believes Government would have paused had the natives been allowed to state their objections to it orally, *ib.* 8712——The natives considered it very irritating, and it is, in fact, inoperative, *ib.* 8723——Never heard of any complaints of it out of Calcutta, *Duff* 6136.

Libraries. The officers of most regiments maintain libraries, and there are subscription libraries at most of the large stations, *Alexander* 976——Valuable works are sent out for distribution in the army, and in the libraries established for European soldiers, *ib.* 982——Good English libraries have been established in connexion with the Government colleges and schools, *Trevelyan* 6625.

Lieutenant-Colonel. Objections to removing him from the command of his regiment in order to promote the major, *Alexander* 1019.

Limitation of Actions. Was imposed by the Elphinstone code, *Willoughby* 3251, 3252.

Linseed. A good deal is produced in Berar, but the absence of roads and bridges prevents the trade in linseed being extensive; it will not bear the expense of transport, *French* 8948.

Litigation. Is in some respects promoted and fostered by our system, *Willoughby* 3249——Would transfer a large portion of it to the courts of summary jurisdiction, *Halliday* 3386——Would be diminished if the law were well defined, *Baillie* 3987——The complaints of the litigation which ensues in the execution of decrees are very well founded, *Lushington* 4592.

Local Public Opinion. Is extremely regarded by Governors-general and Governors in India, *Trevelyan* 6870.

Lucknow. There is a college, and a system of native education for Mahomedans, in the neighbourhood, *Caldecott* 5480.

Lunatic Asylums. Exist in various parts of the country; lunatics are never detained in the gaols, *Halliday* 3549, 3550.

Lushington, Henry, Esq. Was twelve years in India in the Revenue Department, and afterwards in the Judicial Department until 1852; 4410——Is best acquainted with the North-western Provinces, 4411——Considering the difficulties, the administration of justice in those Provinces is as good as circumstances will admit of, 4412——The principal defect is a disposition in the Company's superior courts to encourage technicalities, 4413——Cases illustrating this tendency to technicalities, 4413 *et seq.*——A resolution proposed by witness, that informality should not necessarily vitiate proceedings substantially just, was negatived by the judges of the courts at Calcutta and at Agra, 4420, 4421. 4424——Practice of the court upon appeals, 4425-4427——The judges of the Sudder Court at Agra endeavour to assimilate their practice to that of the Sudder Court at Calcutta, 4428——There is a power in the Sudder Court to rectify informalities where not essential, and the resolution was proposed, because the judges would not avail themselves of that power, 4432-4434——The effect is to cause the system of deciding upon technicalities to spread all over the country, 4435.

Objects to the Act 5 of 1840, substituting a declaration for an oath, 4437——Instance of the impossibility of trusting evidence in India, *ib.* 4455——No evidence is taken in the Sudder Court, 4439——Manner of taking evidence described, 4490-4494——Manner of taking evidence in the Sessions Court, 4440. 4449——In the Moonsiff's Court, 4441-4452——It would be a most important improvement if all the depositions could be taken orally, 4442——The course would then be precisely the same as that which is now pursued in criminal trials, 4447.

With regard to juries, the present system might be extended with advantage, 4453——So long as you treat them as assessors or juries, and keep them before you, the people are satisfied with their decisions; but they objected to their leaving the court, and giving their decision afterwards, 4454——The fact is, the natives have not sufficient confidence in the integrity of their countrymen, 4455——Was always able to secure a jury; but by the exercise of personal and private influence, 4456——They possess the power of determining facts better than the Europeans, but are less to be trusted, *ib.*——They are not always treated in the courteous manner they like; and, besides, it gives them trouble, 4457——Never detected any disposition to let off Brahmins, 4459——They are valuable rather as giving assistance to the judge than as giving satisfaction to the parties, 4461.

Has always admitted that the natives of India are not trustworthy, 4463——And would draw no distinction between Mahomedans and Hindoos with regard to truth, 4464——In Oude they speak more truth now than in the Company's provinces, *ib.*——

Returns, 1852-53—*continued.*

Lushington, Henry, Esq.—continued.

Probably because it is not worth while to lie in the native courts, 4466——A case is decided in the native courts upon principles similar to those upon which Solomon decided, not by direct evidence, 4467——Scarcely a week passes in which the Sudder Court has not a case of perjury before it, 4469——Nature of the punishment, 4471——The prevalence of the crime is not in any degree attributable to the light character of the punishment, 4474——The courts never pass a light sentence for subornation of perjury, 4477——Punishments are practically ineffectual; nothing but the moral education of the people will supply the want, 4478——The oath is only discontinued in the case of a native who swears upon the Koran, or the Ganges water, or other superstitious object, 4482——The alteration has been very detrimental to the objects of justice, 4483——The judges, European and native, were consulted as to the re-introduction of oaths; they admitted that there was more perjury than formerly; but many said that they had so little faith in any of their countrymen's depositions that they did not think it worth making the change, 4483.

According to the present practice of the courts, the quantity of evidence is not of much value, 4488——But the greatest attention is paid to the quality, 4489——In the majority of cases, the judge is ignorant of the character of the witness, 4492——Whom he does not see when being examined, 4493——Has never had persons pointed out as being regularly employed to give evidence, 4495——The parties who perjure themselves are generally the dependents of the parties to the suit, 4495——Instance of the power exercised over dependents, 4500——There is very great difficulty in obtaining convictions for perjury, 4497——They have not the slightest hesitation in perjuring themselves under the present system, 4503——An oath taken on the Koran or Ganges water is more respected than an oath taken without them, 4504——There is no really efficient remedy except moral education, *ib.*——Evidence of a far better kind is obtained in the Settlement Courts or Cutcherries, held by the inferior revenue officers, 4507——The witnesses there have not been tampered with, 4508——They are ashamed of being detected, 4510.

The natives are very efficient in judicial offices; and witness does not think ill of their integrity, 4514——Both the European and the natives would be improved by more judicial training than they have now, 4515——Suggestion with reference to judicial training, 4518——The best pleaders now are taken from the bar, and placed on the bench to a great extent, 4519——At Agra, 4520——At Agra there are always a few vakeels fit for the bench, who invariably refuse to be promoted, 4521——On account of the inferiority of the emoluments, 4522——The emoluments of some exceed the salaries of the European judges, 4525——Some getting as much as 4,000 rupees a month, 4527.

[Second Examination.]—Explanation of former evidence relating to the proposed resolution touching formalities, 4532——And also relating to Act 5 of 1840; 4532. 4538——Objections of the natives to being sworn on the Ganges water, 4533——The natives generally object to come into court on account of the uncourteous treatment they receive from the lower officers of the court, 4534——Upon the whole, the natives of India are the most courteous people upon earth, 4536——And sensitive in proportion, 4537——They also object to appearing in court at all, 4538——In seeking the truth in India, would rather rely upon the chance of calling into exercise some superstitious feeling, than upon the punishment of perjury, 4539——Magistrates are better able to discover perjury than the judges, 4539.

Opinion upon the present state of the bar, 4540——Superior vakeels do not desire promotion to the bench, *ib.*——Would encourage Englishmen pleading in Hindostanee, 4542, 4543——Though not according to the forms of the English law, 4543——Would not introduce English as the language of the courts, 4544——There is no objection to the permissive system which prevails in Bengal, 4546——Course pursued in Jotee Persad's case, 4547-4551——English vakeels would have a knowledge of the English law, which would be very useful to the judge, provided he was at liberty to adopt it or not as he thought fit, 4553——He has that option now, 4554——Way in which the English law is ascertained, *ib.*

The Supreme Court is exceedingly unpopular in the North-western Provinces; the natives entertain an aversion to it, and a fear of it, 4556——They know very little of it, 4557——What they do see of it is not calculated to improve their opinion of it, *ib.*——Instance of its operation referred to, *ib.*——They object to it on the ground that the proceedings of the court are tyrannical as far as they know, 4563——The jurisdiction which it exercises over the magistrates is as dangerous as anything can be to the police, 4564——Notwithstanding the Act 16 of 1850, the Indemnity Act, the court has passed decisions, giving actions against magistrates, 4564——Considers the decision ot the court in Jotee Persad's case opposed to the law, 4565——It is absolutely necessary that the indemnity in India should be much larger than it is in England, 4568——Cases illustrating the nature of the interference of the Supreme Court, 4564. 4569-4576——In the North-western Provinces the judges considered themselves practically independent, 4577——But judges ought not to be subject to removal at the will of any one individual, *ib.*——The natives have the highest opinion of the integrity of all the European judges, but at times they complain of corruption among the officers of the court, 4580——In some cases money

Reports, 1852-53—*continued.*

Lushington, Henry, Esq.—continued.

money was traced to the vakeels, officers of the court, and to the agents, 4581——Never heard that any one had hinted a suspicion that the money went to the judges, 4585.

Petty cases might be more summarily disposed of, 4586——Would allow the moonsiffs to decide summarily all cases of debt on bonds under a certain amount, *ib.*——Course of proceedings in such cases suggested, *ib.*——There should be one appeal in such cases, if only for the moral effect, 4587——The present law of special appeal encourages technicalities very much, 4588——Clause proposed to be inserted in a new Act relative to special appeals, *ib.*

The complaints which are made of the litigation which ensues in the execution of decrees are very well founded, 4592——The remedy suggested is, that land should not be saleable in execution of decrees, *ib.*——Would concur with such a proposition, *ib.*——The objects of such a measure would be threefold, diminution of litigation, preservation of the landed aristocracy, and the preservation of the Byachara communities, 4593——It has been part of the policy of the Government to maintain those communities, and everything has been done for their support in the North-western Provinces, 4594——The sale of land is hardly to be recognised as a means of realising revenue in the North-western Provinces, 4595-4597——The principle which chiefly governs the collection of the revenue is, that the crop is responsible to the Government for the revenue, 4627——Which is found sufficient practically, 4628——In the villages called Zemindaree, the proprietors are in law and in practice, jointly and severally, responsible for the revenue; and in some of the Putteedaree estates, beyond Delhi, the responsibility is considered to be joint, 4598——Object of the settlement twenty years ago, *ib.*——The great evil of a sale in the Putteedaree communities is, that it introduces a stranger, the effect of which is, the village may be looked upon as almost ruined, 4599——The difference between the social condition of a perfect village community, and that into which it falls when so broken up, described, 4600-4603——Condition of the heads of the villages in such a community explained, 4601——The general tendency of our system has been to diminish their importance, *ib.*——On the whole they are the most valuable portion of the national community, 4602——To avoid the misfortunes referred to, Government have passed rules and laws to save their lands from sale, 4604——Hindoos do not practically object to their land being liable to be sold for simple contract debts; the legality of alienating the undivided ancestral property has been much discussed in the Agra Sudder Court, but the validity of transfers of the ancestral property of Hindoos, in satisfaction of legal demands, has always been recognised, 4605.

The question upon whom the onus rests, of proving that a criminal is an Englishman, is still undecided, 4606——The judges now have very good opportunities of knowing the decisions of the other courts, for all the decisions by Europeans are printed and published in India, 4608.

Submitted a report to the Government of India upon the working of the jury system in the North-western Provinces in 1845; 4610, 4611——Report, with observation thereupon; See *Appendix* (C.), *First Report, p.* 682——Instance of the advantage of a jury, 4615——A jury would in many cases aid the judge in discriminating truth from falsehood in the evidence given, 4616——Would use the jury to find the facts, and also as assessors, 4617——Would be very sorry to try any heavy criminal case without native aid, 4621——Does not think that the proper working of the jury system in India depends upon a knowledge by the judge of the rules of evidence; it is because the English rules of evidence are unfitted for India, that the assistance of the natives is so desirable, 4622——Thinks that in India we are endeavouring to introduce those very defects in the law of evidence, which in England they are getting rid of, 4626.

M.

Macaulay, Mr. Mr. Macaulay's minute of February 1835, proposing to take the revenues of the Oriental Colleges, and adapt them to the English Institution, caused a great deal of excitement, which is believed to have been fictitious, *Duff* 6259——His minute on education shows an evident want of experience and knowledge of the country, *Wilson* 7242.

See also *Code. Education.*

Machinery. Steam machinery could be manufactured at Bombay, *Cursetjee* 1686——But so much is required to be done in repairs that there is no time for it; all repairs are done at Bombay, *ib.* 1686——Could be manufactured at Bombay as cheap as in England, *ib.* 1689——At present it is all sent out from England, *ib.* 1696——There are not many natives in the steam machinery department, *ib.* 1704——But many English, Hindoos, and Mussulmen; very few Parsees, *ib.* 1712-1715——The native smiths are as efficient as the Europeans, and are principally Hindoos, *ib.* 1720.

See also *Dockyards. Indian Navy.*

Macpherson, George Gordon, Esq. Went to India in the Bengal medical service; was in India twenty-one years; the latter and greater part of service was in the Civil Department at Beauleah and Moorshedabad, 8660——Was also two years in Calcutta, in the firm

Reports, 1852-53—*continued.*

Macpherson, George Gordon, Esq.—continued.

of Carr, Tagore & Co., 8660. 8662——Left India in 1847; 8661——The police was even worse then than it is said to be now; dacoits were very seldom laid hold of, 8664——The district of Moorshedabad has a very large population, 8668——The town itself is very much diminished, 8671——The police there were regarded as very inefficient, *ib.*——Constantly heard of serious losses and dacoities, 8673——How a dacoity is perpetrated described, 8675——The dacoits rarely attack the shroffs, who almost invariably have a large force of up-country burkandauzes to protect their property, 8672. 8676.

One of the first steps towards rendering the Bengal police efficient is to employ the up-country people as police, 8677——It is said that they would oppress the natives, but thinks that they would do more good than harm, *ib.*——The up-country burkandauzes employed in Bengal are generally a finer set of men than the sepoys, 8680——They are not better off than the sepoys, 8681, 8682——Dacoities were very frequent on the river; the guard-boats were very inefficient; is at a loss to suggest any plan by which river dacoities could be stopped, 8684——Many dacoities are never reported; the people are afraid of being detained while the case is being investigated, 8685——Believes that the inefficiency of the Bengal police owes its origin to the small sum expended upon it, 8685——Considers that the European officers of native regiments might be better employed in aiding the police than in escorting treasure, 8686——The common police of Bengal receive about four rupees a month; it is a small consideration with him; he would be happy to take the work for nothing, 8687——The shroff never gives less than five rupees, 8688——Their burkandauzes are kindly treated; the shroffs endeavour to make them content and satisfied, 8689.

To a certain extent would give a military organization to the police, 8693. 8699——Would employ any efficient person who was willing to take the service for the superintendence of a district, 8694——There were provincial battalions all over Bengal at one time, 8697——They were scarcely worth the expense; were a very indifferent class of military police, and at times very oppressive, 8698——Is of opinion that giving magisterial powers to the moonsiff, to a certain extent, will work well, 8699.

Thinks that the natives will be exceedingly dissatisfied when they find that they are to be debarred from having a voice in legislating for their own country, 8700——The appointment of a body of natives, to whom proposed laws might be submitted for their opinion, would be much prized by them, if there was a probability of their suggestions being followed up by Government, 8705——It would be advantageous to Government to have such a body to communicate with rather than to go to private individuals for their opinions, 8706——It would be of great importance, and give the greatest satisfaction to the natives, if they had the opportunity of orally stating their objections to proposed laws, 8708, 8709——It would give them greater satisfaction than stating their objections in writing, 8710, 8711——Believes that if such a course had been pursued, Government would have paused before passing Act No. 21, of 1850; 8712——At present the agitation against it is confined to the Presidencies, 8713——The natives consider it very irritating, and it is in fact inoperative, 8723.

If a native were to be selected for a seat in the Council, otherwise than as is provided for by the Bill as it now stands, he should be selected by the Governor-General personally, 8715, 8716——It would give general satisfaction if a native, known only to the society at Calcutta, were so appointed, and such an appointment would act beneficially in various ways, 8717——It is not necessary that a native so appointed should be of a particularly high caste, but he ought to pay particular attention to what is required by the caste to which he belongs, 8718——With regard to appointing a native to the Council, the Bill, as it now stands, would be satisfactory to the natives, 8719——Does not think that the almost complete separation of the Executive from the Legislative Council contemplated, will have the effect of diminishing the respect for and the authority of the Governor-General in the eyes of the natives, 8721-8723.

Macpherson's Treatise on Civil Procedure. Is received as a work of legal authority throughout Bengal and the North-western Provinces, *Lushington* 4551.

MADRAS:

Madras. No attempt has been made to ascertain the state of indigenous education since 1822; result of the inquiries then made by Sir Thomas Munro, *Duff* 6086——The Board of Revenue has the supervision of all educational institutions, *Norton* 6272——The state of education at Madras is very much behind indeed, *Wilson* 7260——The Board of Education waste their time in disputing, particularly with regard to the introduction of Bible classes, *ib.*——Education is extending at the Presidency, one reason why so little is done by Government is that the missionaries have done so much, *ib.* 7262.

Madras is one of the healthiest places in the whole of the hot part of India, *Tucker* 8311——Languages spoken in the Madras Presidency, *ib.* 8312-8314——As far as their means and authority enabled them, the Madras Government were always very willing and anxious to carry out public works, *Sims* 8775.

See also *Education.*

Reports, 1852-53—*continued.*

Madras Petition. Has heard that it was for the most part prepared in London, *Willoughby* 3174——Remarks upon it, *Hyder Jung Bahaudoor* 4676 *et seq.*——Some of the doctrines contained in it were not concurred in by the influential natives, *Norton* 6324.

Madras University. Principles upon which the Madras University was founded, *Norton* 6272——Rules of the University, *ib.*——List of studies in the University, *ib.* 6273——The Madras University was objected to by an influential party in Madras because it was provided by the fundamental rules that the education should be entirely secular, *ib.* 6283, 6284——The institution was not countenanced by the present Governor, *ib.* 6296——Constitution of the new Board at Madras, *ib.* 6297——A proposition to abolish the fundamental rules with a view to the introduction of scriptural instruction excited great agitation among the Board; the natives who could write English one and all minuted against it, *Norton* 6313——They have not yet been abolished, *ib.* 6315——The fees of the University have been reduced, *ib.* 6314——Measures proposed in connexion with the Madras University, *ib.* 6274-6278——The attempt to admit students of a low caste created a rebellion, *Marshman* 6440——The Madras University never was anything better than a high school, *Wilson* 7261——The principles are very good, but they have been in too great a hurry, *ib.* 7264——Mathematical instruction is given to a very great extent at Madras College, *Norton* 6336——Collegiate classes in law and in civil engineering were actually part of the original institution, *ib.* 6339——The supply of books was obtained from England, *ib.* 6357——The maintenance of the fundamental rules prohibiting religious instruction is at present essential to the objects of the institution, *ib.* 6359——The Madras Government was opposed to repealing them, *ib.* 6363.

Prepared a set of rules for the establishment of an engineering class, *Sims* 8798——It was not carried out in consequence of a difference between the Government and the Governors of the University respecting the system of education, *ib.* 8801——It would have been attended by all classes, Hindoos as well as Indu-Britons; on the whole, thinks that the native pupils would turn out the most useful, *ib.* 8807.

See also *Education. Universities.*

Madressa. Was founded by Warren Hastings in 1780, *Wilson* 7196.

Magistrate. At the Presidency the magistrates exercise a petty criminal jurisdiction, *Hill* 2103——They are salaried, *ib.* 2109——Deputy magistrates have been introduced of late years, *ib.* 2144——In 1843, *ib.* 2150——How paid, *ib.* 2147——The magistrate has the police of each district under him, *Willoughby* 3121——He appoints the inferior grades, *ib.* 3124——And the kamavishdars are appointed on his recommendation, *ib.*——He is only responsible for the peons' establishment, *ib.* 3130——No man can be appointed to the office who has not passed the examinations, *Halliday* 3391——In the general line of service, every man must pass through the grade of magistrate, *ib.*——It would be advantageous to require them to commit their decisions to writing, *Millett* 2336——Magistrates are instructed to free themselves as much as possible from reliance on the native functionaries about them, *Halliday* 3584——It is astonishing how much crime is detected and prevented, when the police is in the hands of a clever and energetic magistrate, *ib.* 3588——A magistrate may at any time be obliged to expose his person to danger at the head of the burkandazes, *ib.* 3593——One of the best means for the efficient administration of a district, would be the magistrate constantly moving about, *Hawkins* 4388——The Act of 1850, No. 16, is sufficient to protect the magistrate for acts *bonâ fide* done in his official capacity, *Lushington* 4565——It would not be wise in the present state of India to make him liable to individuals for mistakes, *ib.* 4567——It is absolutely necessary that the indemnity should be larger in India than in England, *ib.* 4568.

Magisterial powers are a great difficulty to Europeans; the magistrates are generally young men, and when sufficiently experienced to do their duty satisfactorily, they become collectors, *Wise* 5259. 5284——The comfort and happiness of the whole district rests upon the magistrate and upon his power, *ib.* 5283. 5286, 5287——The natives are very quick in discerning his character, *ib.* 5286, 5287. 5386——The reformation caused by a good magistrate in a few days is astonishing, *ib.* 5286, 5287——He was formerly a gentleman of high standing, of judgment, and experience; at present he is a young man, who remains a few years at the most, *ib.* 5284——Would give the superior officer the larger pay as magistrate, and make the collector the inferior, *ib.* 5288——The collector's duties are trifling compared with the magistrate's, *ib.* 5289——With a young magistrate, the native officers, who are generally corrupt and crafty, have the whole power of selecting the police in their hands, *ib.* 5383——They have great power, *ib.* 5384——Corruption is much checked by an able judge, *ib.* 5386——Many magistrates are without judicial experience, *ib.* 5387——But the ability of an Indian judge depends more upon his natural qualifications than upon his knowledge of the law, *ib.* 5388——Some of the European settlers might be usefully employed as magistrates if encouraged, *ib.* 5429-5433——Magistrates' pay is 900 rupees a month; it has been reduced, *ib.* 5284——The magistrate in the Mofussil has great power over the European, *ib.* 5415——Extent of his power, *ib.*

See *Administration of Justice. Civil Service. Courts of Justice. Police.*

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Magistrate and Collector. The offices should not be separated; they are united everywhere except in the Lower Provinces of Bengal, *Halliday* 3446.

Mahomedans. They are very much divided into classes, *Halliday* 3486——They settled down in greater numbers in the North-western Provinces than in Bengal or elsewhere, *Duff* 4252——Are bolder and more energetic men, and, as a class, better soldiers than the Hindoos, *Alexander* 1136——The Mahomedan shows greater aptitude for the judicial office than the Hindoo, *Hawkins* 4317——The Mahomedan standard of literature is higher than that of the Hindoos, *Thornton* 6054——Under the Mahomedan Government there were very great variations with respect to toleration in matters of religion, *Duff* 4178.

The Mahomedans are now beginning to send their children to school to learn English, *Halliday* 3345——They have a strong objection to taking an oath; nature of their objection to doing so, *ib.* 4528——Can scarcely be brought to study our language or literature, *Marshman* 5105——Their law is identical with the Koran, *ib.* 5107——At Hooghley it was much more difficult to get them to learn English than the Hindoos, *Wise* 6929. 6958——They formerly had institutions for learning at Bokhara, *Marshman*, 5145, 5146——But now have not any very great institutions, *ib.* 5147——It is not the policy of the Government to encourage Mahomedan learning, *ib.*——They have large settlements and colleges, and a system of native education in the neighbourhood of Lucknow, *Caldecott* 5480——There are several Mahomedan colleges in India independent of Government, having been endowed by native princes, *Thornton* 6007——The Mysore princes have been educated in a Mahomedan college, *ib.* 6017——The Mahomedans have kept aloof from the Liberty of Conscience Act, *Marshman* 6517——The number who have embraced Christianity is smaller than that of the Hindoos, *ib.* 6518——They regard us as Kafirs, *Trevelyan* 6706——The Mahomedan feeling is more actively opposed to us than the Hindoo, *ib.* 6709——Mahomedan outbreak under Syyid Ahmed referred to, *ib.* 6796——The Mahomedan College at Calcutta was founded by Warren Hastings in 1781, *Duff* 6087——Its object, *ib.* 6087.

Mahrattas. The attempts to attract the children of the Mahratta noblemen to the Government schools have not been very successful, *Perry* 5921——The Mahrattas are not a bad caste, *ib.* 5948.

Mahratta Language. Is not used in the courts in the Nerbudda district, *Caldecott* 5504.

Maitland, Captain. Captain Maitland's school, attached to the gun-carriage manufactory, is, in its way, one of the most useful educational establishments at Madras, *Sims* 8805——It has turned out a number of most useful and excellent men, *ib.*

Malays. Are seldom taken for the Indian Navy, if other Indians can be obtained, *Powell* 1606.——See *Indian Navy.*

Malcolm, Sir John. The merit of the measure transferring original jurisdiction to the natives is due to him, *Willoughby* 3013——First adopted the system of Political Courts of Criminal Justice at Bombay, *ib.* 3084——His principle was to avail himself of existing native institutions, *ib.* 3110——He was opposed to abrupt changes, *ib.* 3111.

Manufactures. Native manufactures have disappeared to a great extent, English goods being cheaper, *Keaue* 7783——They have been ruined in order to benefit those of England, *French* 9024-9026.

Marines. There is a corps of natives embodied to serve afloat, *Powell* 1525——They are of all castes, *ib.* 1526——And serve very well together, *ib.* 1528. 1530.

Marriage. The general law of Hindooism is not polygamy, but monogamy, *Duff* 6184——In Bengal, the Kulin Brahmins are alone entitled to more wives than one, *ib.*——The marriageable age of females in Bengal, if not in India, is eight or nine, *ib.* 6180——It is a constant occasion of exaction on the part of the Zemindars, *ib.* 6218——The marriage of adults was one of the objects of the Madras Social Reform Association, *Norton* 6320.

There are reasons for the limitation of the number of marriages among the troops in the Queen's service, which are not applicable to the East India Company's service, *Alexander* 1244——But they have recently been limited to 12 per cent. in the Company's service as in the Queen's service, *ib.* 1265——Moral conduct and good discipline prevail much more with married than with unmarried men; there is less crime and less sickness, *ib.* 1244——Effect of marriage upon discipline and efficiency, *ib.* 1260.

Marriage Act. As far as relates to Europeans, it has operated in the main very beneficially, *Duff* 4279——But in many respects it is very objectionable as regards the native Christians, *ib.*——The way in which it subjects them to the English Divorce Law is an intolerable grievance; a speedy remedy is loudly demanded, *ib.* 4281——With regard to the Hindoos, the Marriage Act has not operated well; objections to it, *ib.* 6185 *et seq.*

Marshman, John Clarke, Esq. Has been altogether more than forty years in India, 5015——And for the last twelve years was employed as Bengalee translator for the Government, 5017——As an uncovenanted servant, 5018——Bengalee is just as familiar to him as

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Marshman, John Clarke, Esq.—continued.

as his own language; established the first Bengalee newspaper, and has been much in communication with the different classes of the community, 5019——Personal knowledge is chiefly connected with Bengal, 5019——Has been three times at Madras, twice in the Tenasserim Provinces, once to Ceylon; but never to Bombay, 5021.

Has taken considerable part in the discussions upon the training of the civil servants, 5022——Appointments to Haileybury is the mode by which the Directors are remunerated for the Government of India, 5023——Nominations generally stand good, *ib.*——The proportion of incompetent men in the civil service has been on the increase of late, and when they have once obtained a footing they must rise to the top, unless found to be corrupt or mentally incompetent, 5025——Civil servants at Ceylon are an inferior class; their remuneration is inferior, 5027, 5028——The general tone of the civil service is very high, 5029. 5033——A course of special training is necessary to the due discharge of the duties which devolve upon the civil servants in India, 5035——Too much attention is paid to the Oriental languages at Haileybury, 5036——It might be done away with without much loss to the students, 5042——Especially since the test required at the College of Fort William, originally proposed by Mr. Halliday, matured by Mr. Grant, and now the rule of the service, 5036——Examination described, *ib.*——Lord Wellesley, on the establishment of Haileybury, limited the residence at Calcutta to one year; Government enlarged it to eighteen months, and subsequently allowed those unable to pass to remain two years, 5034——When at Calcutta they receive 360*l.* a year and house rent, 5038——They do not leave in debt to the extent that they formerly did, 5039——They pay about fourteen per cent. for the money they borrow, 5040.

Missionaries are the best oriental scholars in India, 5042——They do not make many converts, 5043-5045——Nor do the Roman-catholics, 5049-5051——In Pegu the missionaries have been very diligent, without any direct interference from the Government, 5052-5054——Thinks the object of education in this country should be to complete their European education, 5055——It is neither necessary nor desirable to send them out to India at an earlier age, 5056, 5057——The sooner they leave Calcutta the better; understands that it is the intention of Lord Dalhousie to require them to leave at the end of six months, 5058——In six months the members of the Government would become acquainted with them, 5059. 5062——On leaving Calcutta their salary is 400 rupees a month; in eight or nine years they become full magistrates upon 900 rupees, 5060——Promotion formerly depended upon their examination at Haileybury; but now promotion to the superior grades depends upon the examination they pass after they get into actual service, *ib.*

High civil offices in some of the Non-regulation Provinces have been given to military men, 5063——But it cannot be done in the Regulation Provinces, 5063, 5064——Rajpootanah is exceedingly well managed, but not better than the North-west Provinces under Mr. Thomason's Government, 5066——The excellent administration of which is mainly due to the system established there in the hands of one man; the natives have free access to him; he has also disregarded the claims of seniority more than has been the case in Bengal, 5071——The success of such a government entirely depends upon the individual placed over it, 5073, 5074——The only objections to applying the system to the Madras and Bombay Presidencies appear to be caused by the necessity of keeping the armies distinct, 5072——Opinion differs as to the administration of Government by military officers; the code they administer is very simple, 5075, 5076.

The electric telegraph will be of the greatest advantage in enabling the Governor-general to control the whole administration of India, 5077.

The Cornwallis Code, founded upon a previous code drawn up by Sir Elijah Impey, about 1780, is used in the Regulation Provinces, 5079——Which, with the subsequent improvements and alterations, amounts to some seventeen or eighteen volumes, *ib.*——It is very intricate, *ib.*——There are indexes to it, 5080-5083——The language of the ancient regulations is simple in style, but deficient in precision; the laws since there has been a legislative member of council may be very precise, but they are not so intelligible to the natives, 5087——In those enacted during the last sixteen years the same words are not used to express the same meaning throughout, 5089——There are no law treatises of importance, 5090——The consolidation of the law into a code is a most desirable object 5091——The present system is too technical, 5092——In some of the Non-regulation Provinces a far simpler code is used, 5093——That established in the Punjab is comprised in about fifteen foolscap pages, and is found to work exceedingly well, *ib.*——In the Small Cause Court at Calcutta the procedure is very simple, and the expense small; the parties are confronted with each other, 5096——Its decisions generally give great satisfaction, and both natives and Europeans desire to have its jurisdiction extended up to 1,000 rupees, *ib.*

With regard to native judges, considers that, with some exceptions, the experiment made by Lord W. Bentinck has completely succeeded, but at first there were no able men for the office of principal sudder amin, sudder amin, and moonsiff, 5097——The judges are very acute, and anxious to show their fitness for the office, *ib.*——The natives consider them in a great measure free from venality, 5098——The emoluments are not

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sufficient, considering their position, 5099, 5100——The office of judge begins to be more desired than ever, 5104——The extended education now given to the natives has a tendency to form a class of persons from whom the native judicial officers can be taken, 5105——In some of our institutions a professor of law might be appointed with great advantage, 5106, 5107.

With regard to the subordinate officers, the great difficulty is they are so ill paid, 5108——The system of employing a subordinate class at a low salary has failed, 5110——And there is no confidence in them, 5109——The civil judges, however, object to taking men fresh from the Hindoo College, or any public institution, 5108——A great deal depends upon the character of the native officer; it is difficult to define his influence, but it is boundless, 5111-5113——Government have never been able to discover a remedy, 5114——A man must have a training in the practice of the court, and therefore he must begin upon a low salary, 5115——A better legal education would improve the character of the vakeels, 5116——They now pass rather a stringent examination, *ib.*——And as soon as a good system of vernacular education is established, the principle of Lord Hardinge's minute may be applied to the subordinate officers, 5118, 5119.

Effect of the college education upon the superstitions of the Hindoos, 5120-5125——Thinks that it has at least removed one obstacle in the way of moral improvement, 5124, 5125——There is a great disadvantage in the way in which the civil and sessions judge is appointed, often without having had any previous acquaintance with the law, 5126——The appointment of men to the Sudder Court, without having had previous experience, is considered by the natives a very great defect in the system, 5086——The re-establishment of the office of registrar, abolished by Lord W. Bentinck, is generally wished for in the Gangetic Provinces, 5126——Duties of the Registrar, 5127——It would prevent a great deal of corruption, 5130, 5131——The civil judge when first appointed is obliged to depend in a great measure upon the sherishtadar, who is almost universally corrupt, 5128, 5129——Previous to appointing a young man a registrar, would recommend some years' experience of an inferior kind; would afterwards put him to his election, to remain in the fiscal line, or to go to the judicial; at present he is removed from the one to the other for purposes of promotion, 5133 *et seq.*——Remarks upon the proposed establishment of universities, 5138-5147.

Considers that Lord Cornwallis's regulation of 1793, taking the police from the control of the Zemindars, has failed, 5148, 5149——Remarks upon it; observations upon the great power and influence exercised by the Zemindars, similar to that formerly exercised by the barons in this country, 5148-5153——They have private wars in Bengal, 5150. 5156——Though they have been checked of late, 5153——Indigo planters often fight for the possession of a crop, when it has been sold by the ryot to two parties, 5157, 5158——The police are not strong enough, 5159——The difficulty of having anything like a military police would be, such police must be composed of natives of the Upper Provinces, of whom the Bengalees entertain the greatest dread, 5160.

The police in Bengal is in a most unsatisfactory state; eighteen months ago there was not the least security for property, not to say life, from the dacoitees in the districts around Calcutta, 5177-5179——Government appointed a commissioner expressly for its suppression, 5180——Statement of the measures adopted for the suppression of dacoitee from time to time, 5180-5188——They are now transported to the Tenasserim Provinces; cannot say what becomes of them on the expiration of their sentence, 5187-5189.

The natives too often consider the Supreme Court as a kind of antagonist to Government, 5152. 5167——It is dreaded by the magistrates on account of the expense, 5152. 5166——The opinion is universal in Bengal that there ought to be a Government of Bengal distinct from the Government of India; the only objection has been on the ground of patronage, 5168-5172——Governor-general is generally absent from Calcutta three, if not four, years out of six, 5174. 5175.

Does not think it possible to introduce the English language into the Mofussil courts as the language of business; in 1835 the Government introduced Bengalee in the Bengal courts, and Hindostanee in the other courts, in lieu of the Persian, which had been introduced by the Mahomedans 600 years ago; the innovation has been exceedingly popular with the natives, 5190——The knowledge of English among the people is exceedingly limited, 5191——Difficulty of translating laws originally made in English into the vernacular, 5192-5195.

The Lex Loci, that is, the Act for the establishment of liberty of conscience, is of the greatest importance, 5198——Does not think the Lex Loci, or code of law proposed for the Mofussil, so important as it is considered by the Law Commissioners to be, 5199——Does not think the want of such Lex Loci is such an obstacle to the settlement of Europeans as the Government rule, that if any one instalment of revenue is not paid by sunset on the day due, the estate is forfeited, 5200, 5203——That is the great obstacle, 5201——Does not think that the system of resumptions has had anything to do with the insecurity of property, 5204——Resumption cases were tried by the special tribunals, but precisely in the same way the civil courts would have tried them, 5205, 5206——The want of a gentleman

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tleman acquainted with the Mofussil law is considered a great defect in the Judicial Committee of the Privy Council, 5210——And the number of appeals from the Company's courts is larger than from the Queen's, 5210.

[Second Examination.]—For a considerable time after the establishment of the British Government there was great opposition to any system of instruction for the natives, 6389——Statement of the progress made in favour of education since the year 1792; 6389——And of the extent to which English education is afforded in Bengal and Agra, 6390——The study of English is extremely popular, more so perhaps in Bengal than in the North-Western Provinces; it seems to have taken the place which Persian formerly occupied, 6391——The money applied to educational purposes has been increased from 10,000*l.* in 1833 to above 50,000*l.*, 6392-6394——It is altogether insufficient, and is of opinion that Government will be under the necessity of quadrupling the amount, 6480, 6481——The proprietary schools are chiefly conducted by natives, educated in the Government and missionary colleges, and the character of instruction is the same as in those institutions, 6396. 6398——Nature of the education given in the colleges and schools, 6400——The little school at Barrackpore is carried on with great spirit and success, 6407-6411.

The natives have a remarkable talent for mathematics and metaphysics, 6412——And it would be a very great advantage if a practical course of applied mathematics were added, 6413——As in Roorkee College, 6413, 6414——And in Colonel Napier's institution at Lahore, 6414——They have also a remarkable talent for arithmetic, 6420——Proportion of natives obtaining the highest college education, 6415——Generally speaking, the education of the native terminates with leaving a college, 6416. 6422——His intellect is more precocious than the English; it is matured earlier and decays sooner, 6418——Government finding that the natives were unable to remain long enough to complete their studies on account of their poverty, 6415. 6423——Established scholarships, 6423——Which have been completely successful, 6424——Within the last three years the natives have begun to establish reading clubs and libraries in Calcutta, 6425——In the Government institutions fees are always required; in the native proprietary schools all the students pay, but in the missionary institutions the education is free, except that the students purchase their own books, 6428——Statement of the sums paid by the natives for tuition in Bengal, *ib.*——But few moonsiffs, with the prospect of rising to the position of amins, prosecute their literary studies after leaving college, 6429-6432——But they invariably make a point of carrying forward their legal studies, 6432.

Religion is entirely excluded from all the Government institutions, 6435——The proprietary native schools follow much the same rule, *ib.*——But in the missionary establishments Christianity is openly and constantly inculcated, *ib.*——The effect of the education in the Government institutions is to overthrow confidence in their own faith, 6437——To raise them above their superstitions and creed, 6437. 6441——Is of opinion that it does not sap the foundation of caste, which is rather a social distinction, 6438-6441——The exclusion of religious instruction is regarded with great repugnance by those anxious for the dissemination of Christianity, and has become a strong party question, 6442——If the study of the Bible had been originally introduced, the natives would have acquiesced in it, but the time has passed when it could be done with safety, *ib.*——The neutrality of the Government however has not been without its advantages to the missionaries, 6444——In the Hindoo College in Calcutta the influence of the natives on the committee rather outweighs that of the Europeans associated with them, 6447——Upon any attempt to introduce religious instruction they would throw up their appointments, 6448——And would create such a sensation as almost to close the University for a time, 6449——Lord Hardinge's order, giving preference to well-educated natives, cited, 6452——Object of the order, *ib.*——Has been neutralised by the Committee of Public Instruction, *ib.*——Result of the test examination required by the committee, *ib.*——The object of the Committee of Public Instruction was to limit the influence and benefit of the order, 6453——The Court of Directors have been anxious for a modification of the standard, *ib.*——But have not succeeded in prevailing upon the Committee of Public Instruction to make any alteration in it, *ib.*

The standard required by the committee has become a great party question, 6455——The missionaries have manifested the greatest repugnance to it, regarding it as unjust, *ib.*——The application which has been made on the subject is not so much for lowering as for modifying it, 6456——Difficulties of the question in reference to the evidences of Christianity taught in the missionary schools, 6456-6458——The Government is unable altogether to carry out the principle of strict neutrality with regard to the Hindoo and Mahomedan colleges, 6458-6460——Effect of the certificate now required, 6461 *et seq.*——Evidences of Christianity when taught should be considered as equivalent to some other subject of examination, 6466——The missionaries desire that the system should be entirely remodelled, *ib.*——What is required in India is the establishment of one university at each of the Presidencies, upon the exact model of the London University here, 6466-6469——And the degrees to be conferred should supersede the certificates now required, 6470——Advantages of the proposed plan, 6471——It would be carrying out entirely

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the spirit of Lord Hardinge's notification, 6472——With regard to the scholarships, they should be university distinctions attached to the highest degree of proficiency, without reference to the college from which the student comes, 6474-6476——It would be a less objectionable way of encouraging non-Government institutions than subsidising them directly, 6477——Witness, however, would propose that the Government of India should be at liberty to give grants in aid to other institutions besides Government colleges, *ib.* ——A system of Government inspection would be an indispensable part of such a scheme, 6479.

[Third Examination.]—Remarks upon the steps taken by the Government with a view to the establishment of vernacular schools in the North-west Provinces, and in Bengal, 6482, 6483——The Board of Education regarded them with indifference, 6483——The plan did not take, 6486——English tuition is more appreciated by the natives because it leads to distinction, 6484——But the Government at the present time possess more than ever the means of establishing an efficient system of vernacular education, 6485. 6490—— Which generally leads to a more extended education in English literature and science, 6487. 6564——Would not decrease the number of English schools, 6488——Plan suggested for the establishment and support of vernacular schools, 6489——Distinction in regard to Government appointments between natives who understand English, and those who do not, 6490——Classification of situations held by natives in Bengal and Bahar, *ib.*

Suggestions with a view to grants in aid of institutions other than those supported by Government, 6492——No question whatever should be asked on the subject of religion, 6493——History of the Lex Loci or Liberty of Conscience Act, 6494. 6517. 6537—— Does not think that any pledge given by Government securing to the natives the free and undisturbed exercise of their religion militates against that Act, 6495——Observations upon the Hindoo law of inheritance, 6496-6505——With regard to caste, nothing could be looser than the idea the natives themselves entertain with regard to it, and it would be an act of injustice to deprive a man of his property because he had been expelled from society, or lost his caste, 6508——The clause in Lord W. Bentinck's regulation was entirely confined to Bengal, 6510——But from the position in which it was placed in that regulation, it was hardly possible for any native to have overlooked it, or to have mistaken the object of it, 6513——The Christian convert should neither suffer any disadvantage, nor obtain any benefit by professing Christianity, 6514.

Application of the law with regard to the disposition of property by will, 6515, 6516 ——And to cases of offences involving loss of caste, irrespective of conversion to Christianity, 6519-6521——The power of awarding compensation in certain cases is certainly an omission in the last regulation, 6500. 6522——Believes that the obligations and duties relative to the funeral ceremonies override the whole of the ancestral property, though no sum is actually prescribed, 6523-6528——Cannot consider the property in India as held under trust in the way in which property was held in this country under military service; the idea of a trust was never raised until the late regulation, 6529——Does not think that the scope of the Hindoo law is to deprive an individual of property of which he is actually in possession, 6530, 6531——Lands attached to the temples are unquestionably held in trust, 6532, 6533——But there is a broad distinction between such property and the private property of individuals, 6535——The attempts to rouse the country against the Act have entirely failed, 6537, 6538——The regulation was intended generally to protect the rights of conscience, 6539——At Calcutta the Hindoo law and Hindoo ritual are continually violated with impunity, 6543——What constitutes loss of caste, *ib.*——It turns almost entirely upon the point whether he shall be invited to social and religious festivities or not, *ib.*——Application of the regulation to cases of transportation, where the loss of caste arises not on account of the crime, but from the mere circumstance of having been compelled to cross the sea, 6544-6549——The penalties of the Hindoo law are evaded, and the criminal readmitted to caste upon payment of a large sum, 6548——Instances in which the Government have set aside the precepts of the Hindoo law, 6550——Considers the Government fully at liberty to modify the Hindoo law when it finds that its precepts are repugnant to justice and equity, 6552——Government protects the rights of all religions, but acknowledges none as the established religion of the country, 6553-6557—— The same parties complaining of the Lex Loci organised a powerful opposition to the abolition of suttee, 6558. Female infanticide arose rather from the usages of the country than from any distinct religious precept, 6559——It was chiefly to obviate the expense of the marriage of females of a high caste, 6563.

Thinks that the demand for English education will extend in proportion to the rapidity of communication, 6565——Government is making great efforts to extend the means of intercourse in various districts, *ib.*——By means of what are called district dawks, *ib.*——Does not think that there is the least danger to our dominion from the general education of the natives, 6566——Believes that the Government in India would rejoice at being able to enlarge the educational institutions, 6567——The recommendation of the Council of Education for the establishment of a University at Calcutta was thrown overboard by the authorities here, 6568.

Mathematical

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Mathematical Instruction. Extent to which it is carried at Hooghley College, *Wise* 6989.

Mayor's Court, Calcutta. Was first established in 1726, *Ryan* 2401.

Medical Department. The medical staff consists of 750 medical officers, *Melvill* 260——Three for each European, and one for each native regiment; the establishment is sufficient, *ib.* 261——They are appointed to regiments or particular stations by the Governor or Commander-in-Chief, *ib.* 262——They receive their appointments to India from the Court of Directors, *ib.* 263——Nature of the qualification required, *ib.* 264——They receive the pay and allowance of a lieutenant from their arrival in India, with staff allowance in addition when in medical charge of a corps, *ib.* 265——There may have been instances of a native regiment being left without any medical assistance upon a sudden emergency, *ib.* 270——But there would be the native doctors until a European surgeon arrived, *ib.* 285——There may have been instances also of a medical officer, after having been long stationed at a civil station, being sent back to his regiment incompetent to perform his duties, but the regulations guard against the evil, *ib.* 271.

The medical establishment is one surgeon and one assistant-surgeon to each regiment, *ib.* 272——Natives are not attached as assistants to any regiment, *ib.* 273——A native regiment on service has one surgeon, or one assistant-surgeon, *ib.* 274——A European, *ib.* 275——They have also native doctors or native dressers for hospital duty, *ib.* 276——The medical officers are prohibited from receiving fees for attending the families of officers attached to their corps, *ib.* 283——And they cannot have charge of a regiment until they have passed in Hindoostanee, *ib.* 286——Had formerly the contract for the supply of country medicines and hospital comforts, which are now supplied by the public, *ib.* 292——The contract was abolished twenty-four years ago, *Melvill* 292——And greatly diminished the value of the appointments, *ib.* 293, 294——Representations have been made as to the inefficiency of the medical attendance, and have always received immediate attention, *ib.* 291——The Medical Department is perfectly efficient; there was no scarcity of officers; every regiment was fully supplied, *Cotton* 361——Both European and native regiments, *ib.* 362. 364——Never knew of a deficiency in European medical officers, *ib.* 368——European regiments have three assistants, native regiments two, *ib.* 363. 367——There is sometimes a deficiency of medical officers in the native regiments, but not often, *Pollock* 463——The medical staff is very efficient, and exceedingly attentive, *Berkeley* 509——Has once or twice found a regiment deficient in medical officers, *ib.* 510——And immediately ordered those on the staff to join, *ib.*——From the nearest station, *ib.* 512——Never knew a regiment leave Madras without a European medical man, *ib.* 518, 519.

The number of medical officers is certainly not sufficient; regiments are frequently without any European medical officer belonging to them present, *Viscount Gough* 702——Great attention has been paid to the medical staff of late; nothing could be more satisfactory than the hospitals in the Punjaub campaign, *ib.* 710——Evidence as to the difficulty of obtaining proper attendance for the wounded arising from the prejudices of caste, *ib.* 710-712——There is always a deficiency of medical officers, *Napier* 882——They are called in from their civil employment when the army goes into the field, *ib.* 883——But does not think that they are so competent as if they had remained with their regiments, *ib.* 884——They should not be allowed to take private practice; it opens the door to great abuse, *ib.*——There is a sufficient number of medical officers, *Viscount Hardinge* 2088.

Apothecaries are Anglo-Asiatics, *Melvill* 268——There are natives in the Medical Department, many of whom have been educated at the medical colleges established in India, *ib.* 266——The highest rank they can rise to in Bengal is sub-assistant surgeon, at 150 rupees a month; at Madras, the highest rank is that of first native dresser, *ib.* 267——Half castes are employed, *ib.* 269——Many native doctors have great experience and knowledge, *ib.* 277——Their highest recognised rank is that of sub-assistant surgeon, *ib.* 278——The only objection to elevating them to the rank of assistant-surgeon is the increased expenditure, *ib.* 280, 281——The pay of a native medical officer is 15 *l.* a month; that of a European in charge of a regiment at a full batta station 42 *l.*; if not in charge, about 28 *l.*, *ib.* 282——Great encouragement is given to the educating of the native surgeons; there are colleges for the purpose at each Presidency, *ib.* 287——The natives who came to England, and attained distinction in London, have received honourable employment since their return to India, *ib.* 288——But not on the regular covenanted establishment, *ib.* 290.

Never heard of any complaint against the native assistants; believes that they were very efficient, *Cotton* 364——Has heard that they were very efficient as surgeons, *ib.* 365——Every proper feeling is shown to them by the authorities, *ib.* 366——Has heard that the natives show considerable skill for the medical profession, *Pollock* 467-469——If the native medical officers are qualified for the higher appointments, does not see why they should not participate in the advantages of them, *ib.* 469——Europeans have consulted them in the absence of European medical men, *ib.* 470——The native medical assistants are very willing and very attentive; they are very much liked by the natives; by many they are preferred to the European medical officer, *Berkeley* 513——The subordinates from the Medical School at Madras are decidedly superior to those formerly attached to the regiments, *ib.* 515——

Reports, 1852-53—*continued.*

Medical Department—continued.

With them you would not have medical officers enough to send with small detachments, *Berkeley* 516——The native medical assistants are very competent indeed in many instances, *Napier* 885.

Medical Education. Medical schools have been very successful in India; the natives have no objection to the details of surgery, *Thornton* 6034-6038——Medical colleges have been established at Madras and Bombay; that at Calcutta may be said to be the most remarkable and useful institution which the Government ever set up; it has been triumphantly successful, *Duff* 6114——The Medical College was established by Lord William Bentinck, *Trevelyan* 6651——Object of the Medical College at Calcutta, and the advantages derived from it, *Bird* 7185——It is a very liberal establishment and very successful, *Wilson* 7272——The object of medical schools ought to be to furnish practitioners for the natives themselves, *ib.*——Europeans object to native practitioners, *ib.* 7272. 7281. 7282——The Medical College at Madras is an old establishment, and has hitherto chiefly been intended for assistants in the army, *ib.* 7272——The result of medical education has been satisfactory, *Norton* 6378——Has been entirely successful, *Trevelyan* 6756——And has led to an extension of the knowledge of the English language, *ib.* 6757——It was at one time considered impossible to introduce medical studies, *Wise* 7001——Prejudices of caste with respect to dead bodies have disappeared as far as medical students are concerned, *ib.* 7003——The medical students have become good anatomists, expert surgeons, and sagacious practitioners, *ib.* 7002——The native medical practitioners have some very good rules; their knowledge of symptoms is very accurate, *Wilson* 7285——They have a very neat steady hand as surgical operators, *ib.* 7288.

Medical Missions. Opinion that a system of medical missions could not be successfully tried in India; but that every missionary ought to have a slight knowledge of medicine, *Keane* 7992.

Medical School at Madras. Has had a very good effect indeed, *Berkeley* 514. 517——They are there taught all that they would learn in Europe, 516——The examinations there are very good, *ib.* 514. 516.

Melvill, Rev. Henry, B.D. Has been principal of Haileybury College since 1843; 4807, 4808——Duties at Haileybury, 4814——Are principally those of superintendence, *ib.*——Preliminaries of the admission to Haileybury described, 4815-4822——The rules and regulations made in 1837 for conducting the preliminary examination are substantially in force now, 4823——The test might in some respects be improved, 4826——Allowing excellence in one part to compensate for deficiency in another ought to be removed, 4827——The test is severe enough, but the principle is injurious, 4837——About one-third are generally rejected at each examination, 4828——The same examiners are almost always re-appointed, 4831——Course of study at Haileybury described, 4838——Knowledge of political economy required from the students, 4839——Statement of what the eight professors severally teach, 4843——There is a check upon incompetent men by the examination at the close of each term, 4844——Between six and seven per cent. of the students do not enter the civil service, 4845——Proportion in which the time is divided between European instruction and the oriental languages, 4849——About four-fifths, if industrious, are given to the oriental languages, 4850. 4909——It is too much, 4851. 4858——Grounds on which Sanscrit is retained, 4854——Would advise its retention as a voluntary study, 4855——The distinction laid down by the Court of Directors, in 1802, with reference to the advantage of applying the student's time in Europe to European studies, is not maintained in any considerable degree at Haileybury, 4859.

Method pursued in rewarding meritorious students, and arranging them in the printed examination list, explained, 4861-4872——The system works well; it produces abundant competition, 4863——Monthly reports of conduct and proficiency are sent to the parents or guardians of each student, 4873——With very good results; it may be said to bring a domestic influence to bear upon the whole course of college life, 4874——The advantage of a college course is that it is an initiation into the art and act of self government, 4875——A Board of examiners would destroy all competition, *ib.*——Advantage of associating together young men intended for the civil service in India, 4876——Objections to placing them at a separate college in one of the universities, 4877-4880——The general effect of the Haileybury education in forming the character is decidedly good, 4881——The cases are very rare in which there is any objection to going to India, 4882——Objections to taking the examination out of the hands of the professors, 4886.

Average expense of education at Haileybury, 4887——It costs the East India Company more than the amount they receive from the students, 4888——Its expenses are about 8,000*l.* a year, 4889——On the whole the conduct of the students in regard to expense is exceedingly good, 4891——But cannot say that extravagance never occurs, *ib.*——The discipline is very analogous to the college discipline at Oxford and Cambridge, 4893——There is a college library which is very much used, 4895.

Attendance at chapel on Sundays is dispensed with, in the case of different religious creeds, 4896-4900——Objections have never been raised to attending the week day service,

Reports, 1852-53—*continued.*

Melvill, Rev. Henry, B. D.—continued.

4902——If an objection were raised, would dispense with attendance upon the religious part, 4903——Students are admissible, being seventeen and twenty-one, 4905——Period of residence is two years, 4906——Objections to extending it, 4907——It would be desirable, by restricting the oriental studies, to afford more time to the European, 4910——Would rather leave instruction in oriental literature for India, 4911——And perhaps raise the tests in European studies, 4915——But some restriction upon the oriental studies would probably be required, 4917——Would only leave the study of the Sanscrit voluntary, 4919——The student should be thoroughly grounded in the grammar and character of the vernacular languages of the Presidency to which he is going, but would not carry his oriental studies further, 4920——Concurs with Mr. Mount Stuart Elphinstone's view of the course of instruction in England, 4922-4925——Extent to which the study of the classics is carried at Haileybury, 4926-4929.

With regard to the preliminary examination, the student should be required to exhibit adequate knowledge in each department, 4930——Does not think it desirable to make the course through the college precarious, 4933——During the first term they are upon probation, 4934——On the whole, those who have distinguished themselves at college have generally become very excellent civil servants, 4939——It is in the power of the professors to raise their own standard, 4941——Reason why they do not do it, 4942——There is a strong mutual feeling of attachment and kindness between the professors and the students at Haileybury, 4943——As instanced in the case of Professor Empson, 4944——Has known instances of appointment being thrown open to competition, 4945——But cannot say that the men so obtained were superior to others who came in by private patronage, 4946——The expense arises from the high price of Oriental books; it would not be diminished by making Haileybury an adjunct to one of the universities, 4950——A public school is perhaps the very best preparation for a college, 4954——Cannot give a very decided opinion upon the effect of throwing the appointments open to competition, 4956——Has doubts whether you would secure such an amount of competition as would ensure superiority, 4956-4958. 5002-5006——The advantages of Haileybury are the association of the young men together previously to their going to India, besides affording an opportunity of obtaining a knowledge of law, political economy, and the oriental languages, which cannot be obtained elsewhere, 4961——In the study of history the attention of the student is particularly drawn to Asiatic history, 4970.

The Directors visit the college twice a year in order to distribute the prizes, 4971——Has no reason to suppose that their presence has any effect upon the examinations, 4972——Never knew of any interference, direct or indirect, in favour of a nominee, 4973——If a student loses two terms consecutively, or three terms altogether, by being plucked, he loses his appointment, 4974——By losing three terms he becomes by law disqualified for returning to the college, 4975——Every law regarding Haileybury is made by the Queen in Council, 4977.

Since witness has been principal at Haileybury, there has been a great improvement in the discipline, partly owing to the great alterations then made in the statutes, 4979——If rusticated twice, so as to lose two terms successively, a student loses his appointment, 4983——Is in favour of a college course; it developes rather than creates evil, 4987——It is better that it should be developed here rather than that it should come out in India, *ib.*——The restraint at Haileybury is much stricter than at the universities, 4989——On the whole, is rather inclined to think that it would be better to send a young man on first arriving in India into the Mofussil, where he would have but few opportunities of doing wrong, than to detain him at the Presidency, 4991.

The age of admission to Haileybury is sufficiently high, 4993——It would not do to throw the arrival in India to a later date, *ib.*——Instruction in the application of mathematics to mixed science and industry would be greatly to the advantage of the civil servant in India; it is only a question whether there is time for its acquisition, 4994——Is not prepared to give an opinion with regard to the fourfold nomination, 4997-4999.

Thinks the feeling would be that you threw a kind of slur upon the army, if the appointments for the civil service and the army were thrown together, and the best selected for the civil service, 5007. 5014——It is not at all unusual for a student at Haileybury to exhibit distaste for the civil service, and change his appointment for the army, 5008——Cannot say which language is more diffused, Tamul or Teloogoo; instruction in Tamul ought to be given, 5012.

Melvill, James Cosmo, Esq. Describes the origin of the Indian Navy, 1397——It has existed almost as long as the East India Company itself, *ib.*——Is now more efficient than it ever was, *ib.*——At a very early period the Company received a charter authorising them to maintain fleets, and to exercise martial law; in 1807 it was held that the power granted by the charter was too general, 1398——And the discipline became most imperfect, *ib.*——In 1827 the Company's Army Mutiny Act was applied to the Bombay Marine, upon condition that the office of superintendent should be held by an officer in the Navy, *ib.*——A warrant was also issued giving the Company's officers relative rank with the officers of the Royal Navy, upon condition that they should rank below all of the same grade in the Navy, *ib.*——The arrangement for applying the Army Mutiny Act to

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Melvill, James Cosmo, Esq.—continued.

the Indian Navy proved very unsatisfactory, especially in the constitution of courts martial; in 1840 an effectual remedy was applied by Act 3 & 4 Vict. c. 37, and the Indian Navy is now governed under a naval code made pursuant to the powers of that Act, 1399——Steamers were introduced into the Bombay Navy in 1837; 1401——Duties of the Bombay Navy described, 1403——Occasionally vessels are hired for the purpose of conveying troops, 1404——In 1828 the designation was changed from that of "Bombay Marine" to "Indian Navy," 1405——The vessels on the Indus are of light draught of water, two-and-a-half or three feet, 1407——And are employed in the transport of troops and stores, 1406——The Bombay Marine was originally established to protect trade in the Persian Gulf, 1408——And consisted of small armed brigs; it has now three large steam-ships of 1,400 tons, 1410–1413.

Four of the Company's vessels are considered available for the packet service, 1414——They convey the mails between Bombay, Aden, and Suez, 1415——Is not aware that the public have suffered any inconvenience from the Peninsular and Oriental Company not having obtained the whole of the packet service, 1416——It has been thought beneficial for the Indian Navy that they should have that regular means of employment, 1419——Is not aware that the complaints of passengers have taken any definite form, 1420——When war arises, inconvenience must be the consequence, 1422——But during the China war there was no interruption in the transport of the mails, 1423——In some respects, for the mail postal service, one continuous contract might be more advantageous; but it has been thought desirable, as a matter of policy, that the flag of the Company, as the rulers of India, should be seen constantly in the Red Sea and in Egypt, 1424——There can be no difficulty in having the mails conveyed by contract, but care should be taken to guard against monopoly, 1477, 1478.

The establishment of seamen is 3,866, of whom 1,789 are Europeans, 1425——In time of war the number of Europeans is increased, 1426——The employment of natives is more economical, 1428——The establishment of officers is nearly the same as in the Royal Navy, 1430——Including the Indian allowance, there is not much difference in the pay of the officers of the Royal Navy and of the Indian Navy, 1431——The practice of granting the allowance has prevailed for half a century, 1480——The pay of the European seamen is about 2*l.* per month, with provisions, 1432. 1439–1442——The terms first-rate and second-rate in the Indian Navy are arbitrary terms, fixed in reference to allowances and pay, 1435——Statement of the pay of the captains of the different rates, 1437——The expenditure of the Indian Navy is audited at Bombay, 1444——There is a system of pensioning for wounds and long service, analogous to the advantages given to the army by Lord Clive's Fund, 1445, 1446——It is the practice of the East India Company to engage boys from the Marine Society, 1447.

The vessels employed in the Bengal marine are officered and manned under arrangements made by the Bengal Government; they are not under martial law, 1448——There is a small dockyard at Kiddepore, where they can be repaired, 1450——The separation of the two naval establishments is the result of accident, 1451——The Bengal marine is a separate naval service, and has no connexion with the Indian Navy, 1455–1459——The naval establishment at Calcutta stated, 1452——In the China war they had letters of marque from the naval Commander-in-Chief, 1453——They are employed in the same way as the Indian Navy, 1461, 1462——The pay of the officers of the Calcutta marine is differently regulated; it is lower than in the Indian Navy, 1463——The officers are not under martial law, except in war, and then under authority from the naval Commander-in-Chief, 1466——They have not received any honorary rewards, 1467——It has been repeatedly suggested from home that they should form part of the Indian Navy; no arrangement has yet been deemed practicable; but Lord Dalhousie is considering a proposition of the superintendent of marine in Bengal, that the Bengal service should be incorporated with the Bombay, 1471.

It has been suggested that the service of the Indian Navy should be performed by the Royal Navy; but the suggestion has never assumed a practical form, 1472——Does not see how the Royal Navy could perform the service, unless it was a purely local corps, the advantage of which would seem questionable, 1473——There must be a separate establishment for the navigation of the Indus, 1476.

The marine correspondence is conducted by a separate branch of the Secretary's Office at the India House, called the Marine Branch of the Secretary's Office, 1481, 1482.

Preference is given to building ships in India, 1487——They last longer, 1487, 1488——Though the absolute expense in the first instance may be large, 1488——The rate of building at Bombay is high, 1490——Those built in England have been built by contract, 1496.

The pilotage establishment in Bengal is altogether a Government establishment; attempts to convert it into a voluntary establishment like the Trinity Board here have failed, 1499——The navigation of the Hooghley is very difficult, 1500——About four lacs of rupees is the pilotage receipt, and seven lacs of rupees the expenditure; the balance is left as a charge on the territorial revenue, 1505.

There is a proposition for a railway from Diamond Harbour to Calcutta, 1503.

[Second

Reports, 1852-53—*continued.*

Melvill, James Cosmo, Esq.—continued.

[Second Examination.]—Is not aware of any construction having been put upon the 43d clause of the last Charter Act, which in any degree restrains the powers of the legislative authority in India, 5211——Nor of any laws, or projects of laws, having been returned to India, with directions that such subjects should not be made matters of future legislation, 5212——The power conferred by the statute is free, subject to the power of disallowing or directing the repeal, which is vested in the Home Government, 5217, 5218——In the case respecting the formation of a Small Debts Court, reference was made to counsel, to know whether, under the provisions of the Act, the Company were justified in prohibiting legislation in India upon that subject, 5215 (see *Case and Opinion*, p. 591)——Legal opinions were taken upon the meaning of the 53d clause of the last Charter Act, 5219 (see *Opinion*, p. 593)——When the Court was appealed to, to fill up the number of the Law Commissioners, the reply was that it was the intention of the Company to apply to Parliament for a repeal or alteration of that clause, 5221——There was a correspondence with the India Board upon the subject, 5222——But no such application to Parliament was made 5226——Practically speaking, the Law Commission has ceased to exist three or four years, 5223——It was considered that it might be dispensed with as a matter of economy, 5224.

The estimates required by the 103d clause of the last Charter Act came home regularly every year, 5229-5233 (for the estimates, *see* p. 595)——The system was changed in 1837; *ib.*——The provisions of the last Charter Act, requiring a fourfold nomination to Haileybury upon each vacancy, were never carried into effect, 5234, 5235. 5237——Communications between the Court of Directors and the India Board terminated in an opinion that it was desirable to substitute for the fourfold system a system of examination upon an absolute test, previously to admission to Haileybury, under regulations framed and examiners appointed by the Board; the change was sanctioned by Parliament, 5235——There was not any correspondence with the Government of India upon the subject, 5239——The existing law gives the power to revive as well as suspend, but there has been no attempt made to revive the enactments, 5242, 5243.

Melvill, Philip, Esq. Has been Secretary in the Military Department of the Company for 15 years, 1, 2——The army in India is 289,529 strong, 3——Of which the Queen's army is 29,480; consisting of five regiments of dragoons and 24 of infantry, 4, 5——The actual and established strength are nearly alike, 1,000 men per regiment, 6-8——The aggregate native infantry is 157,711; 9——The cavalry consists of 10,186 native regular cavalry and 21,020 irregular cavalry, 12——Officered from the regular army, 15——Exclusive of the contingents, 13——But inclusive of the Scinde horse, 14——And 39,388 irregular infantry, *ib.*——The artillery consists of 16,440 men, 16——Of which 2,010 non-commissioned Europeans are in the horse artillery and 4,912 in the foot artillery; with 3,536 native foot artillery, 17——And six troops of native horse artillery, amounting to 659 men, 18——Statement of the other totals included in the artillery, 19——Lascars are attached to the horse artillery, 20, 21——And to the foot artillery, 23, 24——Number of European officers attached to the artillery, 27.

There are six regiments of Company's European infantry, 19——The strength of the Company's European infantry is 6,266 men, 30——It has been increased since 1834 by a regiment of dragoons, about 750 strong, and four regiments of the line, about 4,400 strong, 32, 33——The European troops have varied greatly during the last 20 years, 34——Three European Company's regiments have been added; the aggregate addition is 16,585, since 1834-5; 34.

Aggregate strength of the army, European and native, in each year, 1834 to 1851, stated, 35-38——Including the regular as well as the irregular force, 40——But not the contingents, amounting to about 32,000 in addition, 41——There are no Europeans in the contingents, except officers lent from the Company's army, 42——Number of officers, European and native, in the native infantry regiments, 43, 44——In the European regiments, 45——And in the artillery, 47——Their pay and allowances stated, 48, 49——Three European regiments were added, in 1839, at the request of Lord Auckland, 50——And five sent out during the Sikh war, of which four remain, 51——The regiments sent out after the Caubul disaster have been gradually withdrawn, 52, 53. Regular native infantry, how increased; no additional regiments for Bengal or Madras, but three have been added for Bombay, 55——The native officers have been increased in proportion, 56——The native cavalry remains as in 1834; 57——The irregular horse has been increased from six to 29 regiments, 59, 60——Grounds of such increase, 61——The recruiting is by voluntary enlistment, 63——For an unlimited period, 64——The Sepoy's pay is seven rupees a month, 65——With allowances, 66——At the end of 15 years, he is entitled to a pension if invalided, 67——But not at any period unless invalided, 69.

The Bengal army is chiefly composed of Hindoos of the highest caste, 70——And, except the general service corps, enlist upon the understanding not to go beyond the sea, 71——There are six general service corps in Bengal, 73——The Madras army is nearly of the same class, except the cavalry, which is chiefly Mahomedan, 76——At Madras and Bombay the enlistment is unconditional, 78——The Bombay army is nearly one-half Hindoostanee;

Reports, 1852-53—*continued.*

Melvill, Philip, Esq.—continued.

Hindoostanee; the remainder are chiefly enlisted in the Concan, 79——The Sikh force belongs to the Bengal army, 81——Of what class of men composed, 82——There is no difficulty in obtaining recruits, 83——The Hindoostanee men from Bengal are generally preferred by the officers, 84——A large part of the sepoys are from the territories of a foreign prince, 86——Statement of the castes in the native regiments in each Presidency, 88——Retiring pensions are paid in native states by the nearest paymaster, 89——Amount of pension, 90——The field guns have been increased from 312 to 384 for the whole of India, 91——The European officers have been increased since 1834, in all 1058; 92——The establishment in 1834 was 4,084, and is now 5,142; 93——The demand for officers on detached employment has greatly increased, 95——508 more than in 1834 are now required for the staff, 95-97——How provided for, 96——188 captains were added, 99——And the regiments, upon the old calculation, are capable of providing the requisite number if distributed rateably, 102.

The number of officers on furlough is less now than the average for five years preceding 1835; 103——The average drain is, Bengal six, Bombay five, and Madras three and a half per regiment, 104——It is desirable to equalise that demand, 105——No alteration has been made in the system of furloughs, but the subject has undergone great consideration, 199——After serving ten years an officer is entitled to furlough on private affairs for three years, and if he only takes a part of the time, he is allowed the benefit of the difference if again allowed furlough on private affairs, 202——A second furlough is a matter of indulgence, 203——Furlough on sick certificate is of three kinds: first, change to the hills; second, change to the sea; third, change to Europe; in the last case, for three years with full pay, 206——In addition to the furlough on private affairs for three years, 207——Number of officers on furlough, 210, 211——Meaning of change to the sea, 213——The regulations have remained unaltered since 1796; 216——But it is the opinion of the Court of Directors that the system ought to be changed, 218——Officers on sick furlough, eastward of the Cape, retain their staff appointments and draw half the allowances, 219. 228——But not when on furlough on private affairs, nor on sick furlough westward of the Cape, 220-222——Though an officer can rejoin his regiment with greater facility from England than from the Cape or New South Wales, 224——Officers on furlough, on private affairs, constantly return to their regiments on war breaking out, 225.

The Madras and Bombay officers are mostly qualified in Hindostanee, 106——Which is the military language of the sepoys in the whole of Hindostan, 107——Officers must pass in Hindostanee, 108——But not in any other, 109——Tamul or Teloogoo was formerly required for interpreters, *ib.*——The detached service system has prevailed since 1796; 110——Believes that every officer, after three years' service, can communicate in Hindostanee; the rule established about ten years ago has been rigidly enforced, 111——All soldiers learn it, 112——In 1850, out of 52,773 natives in the Madras army, 47,480 could state their wants in it, 113——The requirement of the Tamul and Teloogoo language ceased about three years ago, 114——It was quite a modern requirement, 115——A regiment had only three officers in Lord Clive's time, 117——The expense of the army last year was 10,000,000*l.*, 118——Including commissariat, staff, and military buildings, 120——By the regulations no more than six officers can be withdrawn from any one regiment, and of those no more than three to be captains, 122——Absentees on furlough on private affairs are less than one per regiment: on sick certificate to Europe about four and a half; the whole absentees, exclusive of the colonels, average from four to five per regiment, 124——Not including those on staff or political employments, 125.

The constitution of the military service has remained unchanged during the present charter, 126——But many of the regulations have been altered, *ib.*——Regiments were first formed in 1796; 127——Nature of the changes in the regulations, 128——How rise in the service takes place, 129——Senior officers are purchased out to a great extent, 131——But without the knowledge of the Directors in individual cases, 132——The change in the system of retirement has been beneficial, 133——The number retiring has not materially increased, 134——The brevet rank of captain is obtained at the end of fifteen years, 135——The per-centage of retirement is not increasing; it is about two per cent., 136——Many remain after they are entitled to retirement, 137——And many retirements arise from the arrangement among officers for buying out the seniors, 138, 139.

Great liberality is shown in recognising the claims of the Company's officers to honours and distinctions for services in action, 140——The privilege of being aid-de-camp to the Queen has been conceded, 142——Which at once gives the rank of Lieut.-Colonel, 143——Since 1834, special pensions have been granted to the widows and orphans of officers killed in action, *ib.*——And officers have been allowed to make remittances to Europe through the Company's treasury for about the last fifteen years, 143-145——Which they avail themselves of to a very great extent, 148——For a short time money was advanced to officers at a moderate rate of interest for building bungalows, 151——Saving them about fifteen per cent., 153——It was granted when Hill stations were being established, and there was a great demand upon officers' finances by changes of station, 154——Statement of the changes made for the advantage of the European soldier, 156——Porter has been substituted in lieu of spirit rations on the voyage, *ib.*——With great advantage, 157——

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Reports, 1852-53—*continued.*

Melvill, Philip, Esq.—continued.

Was commenced in 1837-8; 172——Has been established longer at Madras than in Bengal, 173——Canteens have been greatly extended since 1834, but it is doubtful if it has been beneficial, 159——The Equalisation of allowances was suggested by Lord W. Bentinck, 160——The rate of mortality in Madras and Bombay was diminished by giving the troops beer in lieu of spirits, 162——It caused no dissatisfaction, 164——And arrangements have been made for sending out large quantities of porter, 165——The demands from Bengal are not equal to the supply, 166——Troops on service may have spirits upon payment, but not as rations, 167.

The great mortality among the troops in Bengal is not fully accounted for; but it is probably due to the effects of campaigns and climate, 168——Kurnal has been given up about eight or ten years, 170——The mortality there was very great of late years, 171——Recruiting to the extent of about ten per cent. is required to keep up the strength of the European regiments, 174. 176——Statement of other improvements in the condition of the European troops, 177——The Queen's troops in India receive Indian allowance in addition to their British pay, 179.

Statement of what has been done for the native troops during the present charter, 180 *et seq.*——Two orders of honorary distinction have been established for the native troops, the Order of British India, and the Order of Merit, 180——The former is limited to 200; 185——The latter is unlimited in number, 182——And was established in 1837; 183——They are conferred by the Governor-general, 186——The pay and allowances to the native troops in the three Presidencies were equalised in 1837; 188——The Bengal scale being made the standard, 189——It caused much dissatisfaction to some Madras troops at the time, until they received compensation, 190——The equalisation of pay, batta, and pensions has now taken place to a very great extent, to about five-sixths of the men in the service, 192——The pensions of men entering the service under the new regulations were alone affected by them, 193——Statement of other advantages granted to native troops during the present charter, 196——A soldier dying in an Indian hospital across the frontier is deemed to have died in a foreign country, 197.

Commissariat officers are all European, with native establishments under them, 233——Appointed by them, 240——The officer's appointment is considered permanent until obtaining a certain rank, 234, 235——They are paid exclusively by salary, 238——The supervision of the Ordnance Department rests entirely with the Military Board, who have under them commissaries of ordnance, 241——European officers of artillery, 242——All the brass guns are cast in Calcutta, 297——But the powder, 298——And gun-carriages are made in India, 299——Iron guns and shot, 297——And small arms, 300——Are all sent from England, 297. 300——All gunstocks are made in this country, and the arms are sent out completely equipped, 305——But are altered and repaired in India, 301——All the regiments are now armed with percussion muskets, 302——At times the sepoys have complained of the weight of the muskets, 304.

The engineers are stated separately, having no soldiers under them, except sappers and miners, 245——The establishment is ninety-two in Bengal, forty-six in Madras, and forty-six in Bombay, 247——In peace they are entirely employed as civil engineers, 252——But there is no difficulty in collecting them in time of war, 253——Every engineer is sure of a staff appointment, 256——The number is not sufficient for the duty they have to perform, and Lord Dalhousie has been called upon to state the addition required, 259——The European sappers and miners are under the engineers as non-commissioned officers to the native companies of sappers and miners, 248——There are ten or twelve companies, consisting of about 1,000 to 1,200 men, 249——They have the usual complement of native officers, 250——And are paid at the same rate as the infantry, with working pay in addition, 251.

The medical officers are 750 in number, 260——Three to each European, and one to each native regiment, 261——Qualification required, 264——How appointed, 262, 263——And how paid, 265——Many natives belong to the Medical Department, 266——And rise in Bengal to the position of sub-assistant surgeon, 267. 278——At Madras to that of first native dresser, 267——The apothecaries are Anglo-Asiatics, 268——Native regiments are sometimes left without medical assistance, 270. 285——Sometimes an officer is sent to rejoin his regiment from a civil station when incompetent to perform his duties, 271——The establishment is a surgeon and an assistant-surgeon to each regiment; but in practice ordinarily one surgeon or one assistant-surgeon is present with a native regiment, 272——On service, with a field force, extra medical officers would be sent, 274, 275——Many native doctors are men of great experience, 277——Great encouragement is given to the education of native surgeons, 287——Increased expenditure is an objection to attaching natives to each regiment as assistant-surgeons, 280, 281——Pay of European and native medical officers 282——They are prohibited from demanding fees for attending the families of officers attached to their corps, 283——European surgeons must pass in the colloquial examination in Hindostanee before they can have charge of a regiment, 286——Complaints have been made of the insufficiency of the medical attendance, 291——Formerly the medical officer contracted for the supply of drugs, &c., 292——But it was abolished about twenty-four years ago, *ib.*——And greatly diminished the emoluments of the officers, 293——Indents pass through witness's office, 295.

Reports, 1852-53—*continued.*

Melville, Right Hon. Henry Viscount. Is a colonel in the army, and commanded the Bombay division in the last Punjaub campaign, 1303. 1305——Was present at the operations till the occupation of Peishwar, 1306——The great inconvenience in moving an Indian army is the quantity of baggage; it requires about one camel per man for European regiments, and about one-half the number for native regiments; had about 6,000 camels to about 8,000 fighting men in his division, 1308, 1309——Evidence as to Sir Charles Napier's baggage corps, 1308. 1310. 1323-1332——It was very useful in maintaining discipline, 1310. 1330——But it was a question, whether in time of peace its advantages were commensurate with the expense, 1310——Witness was not prepared to recommend it, 1329——Recommended a sowar, or native trooper, to drive the camels instead of sepoys, 1310, 1311. 1328——Evidence as to feeding the camels, 1313-1319——Provender was issued by the commissariat on the requisition of the commanding officers, 1316——There was no fraud in subtracting food from camels, 1320——But great frauds would arise where there is no baggage corps or officer in charge to look after them, 1331——The ryots or farmers were often injured by the drivers turning camels into their wheat fields, 1320——There was always a guard with the camels, 1321——But not a commissary; could not spare them, 1322——The baggage corps was in three divisions, of about 300 men each, 1308——The officers first appointed to command the divisions all committed great frauds, and were tried, 1323——They were warrant officers or covenanted officers in the Company's service, 1324——Above non-commissioned officers, 1327——Not commissioned officers, but had local rank in Scinde, 1326——Three subalterns from the Company's service afterwards commanded the divisions, 1327——The baggage was always well up, and the duty in the trenches at Moultan regularly performed, 1332. 1388-1390.

Camp followers are about five to one fighting man, 1310——Are a great inconvenience, 1333——Does not think that they can be diminished, 1333, 1334——Certain followers are known to the Commander-in-Chief, and alone allowed to accompany the regiment, 1335——They only receive rations in cases of necessity, 1336——Each regiment has its regimental bazaar, *ib.*

Observations upon the native troops, 1337——Evidence as to want of discipline in the Bengal army, 1337-1346. 1349-1367——There was quarrelling in the trenches before Moultan, 1337——And straggling on the march, 1340. 1369——Attributes the blame to the European officers, 1346——Refers to some of the Bengal army absenting themselves when on guard at Peshawur, 1351——Witness could not find where they were, 1359——The brigade major was positive they were absent; but the commanding officer denied that they had left their post, 1360——System of mounting guard in the Bombay Presidency described, 1349. 1351——Weekly relief is subversive of all discipline, as the men undress, 1349——The Bengal troops moved well and regularly at Guzerat, 1363——The march upon Peshawur was a rapid one, 1364——The Bengal division marched thirty-two miles in one day, 1368.

Evidence as to the Bombay troops, 1370-1378——After two or three days had no trouble with them, 1370——In the Bombay regiments there are different castes, 1371——In Bengal they are more confined to one caste in each regiment, 1372——Rajpoots or Brahmins, 1373——It is a great advantage to promote the native officers by selection, as in Bombay, 1373——In the Bengal army the native officers want energy; they are too old, 1374——There is no inconvenience in the Bombay system, 1375——The Bombay army is distinguished by its good conduct; the effect of the system is, to assimilate the native as near as possible to the European soldier, 1377——There are three or four castes in the Bombay army, 1378——The Bombay regiments are pretty fairly officered with Europeans, 1347——But the number with the regiments upon ordinary occasions is insufficient, 1349——The establishment of each regiment should be increased, 1390.

Evidence relating to the irregular cavalry, 1379-1386——The Irregular Scinde Horse was particularly distinguished, 1379——Should say that the irregular cavalry were preferable to the regular, 1382——The natives prefer their own dress to the European, *ib.*——The Scinde Horse receive thirty rupees a month, are uniformly dressed, and armed with swords from England, and carbines, 1383, 1384——The sword is a little more bent than the regulation sword, 1385——In a leather scabbard, 1384——The carbine weighed six pounds, *ib.*——And is well adapted for cavalry, 1385——The brigadier should always be a Queen's officer; it is desirable, because the others do not understand the regulations in the Queen's service, 1387——Commissariat did very well in the march upon Peshawur; the troops were always well supplied, 1388-1390.

Observations upon the difference between the Bombay and the Bengal Horse Artillery, 1391, 1392——The Bombay Horse Artillery is appointed in every way in the same manner as the Royal Artillery; found the Bombay opened four guns before the Bengal opened one; objects to having a man on each horse, as in the Bengal, 1391——The Bengal system is less expensive, 1392——Would recommend fewer troops, but organised like the Bombay; the Bengal field batteries were equally effective with the others, *ib.*——Prefers the shaft to the pole, 1395——Arab horses are better than stud horses, 1393——The regulation allowance in Bombay, for cavalry, is 500 rupees, 1394.

Menu. Enjoins that females should always remain in a state of dependence, *Trevelyan* 6823——Menu is a great standard book of law and religion among the Hindoos, *ib.* 6823. 6898.

Reports, 1852-53—*continued.*

Mercantile Transactions. At Calcutta are carried on under the English law, *Baillie* 4078.

"*Merit fostering Minute.*" Was promulgated by Lord William Bentinck, *Trevelyan* 6651.

Military Board. How constituted, *Pollock* 420, 421——Refused an application for more tents when the companies were increased from 80 to 100 men, *ib.* 419——It is stationary at Calcutta, *ib.* 422——And the delay in answering references made to it is a great inconvenience, *ib.* 425——It first obtained a control over the commissariat about 1820 or 1821, *Burlton* 530——It is the curse of the Indian armies, *Napier* 879——Evils resulting from it, *ib.* 880——The delays in doing justice to the soldier caused by a reference to the Board do incalculable mischief, *ib.* 881——Its superintendence over the commissariat is not very effective; it is mischievous in everything, *ib.* 891——The system is enough to make men dishonest, *ib.* 892——It was inquired into and reported upon by Major Kennedy, *ib.* 893-895——Is something similar to the Ordnance Department in its original construction, *Viscount Hardinge* 2023——Statement of the duties of the Military Board, *ib.*; *Kennedy* 7651——The Department of Public Works alone would afford ample employment for a Board, *Viscount Hardinge* 2037——It is not administrative but executive duties that it has to perform, *ib.* 2023——How constituted, *ib.*——A Military Board similar to the Ordnance Department works exceedingly well, provided each separate department has a responsible officer at its head, *ib.* 2032——It is not the case with the Military Board in India; there is no head or superior authority, *ib.* 2033——Questions are decided by a majority, and in cases of importance reference is made to the Governor-general in Council, *ib.* 2035.

Believes that the system under which it had the superintendence of public works is at an end, *Kennedy* 7650——Statement of its duties and the inconveniences resulting; the Commissioners had no alternative but to urge a total change of the system, *ib.* 7651——Believes that the recommendations of the Commissioners have been ordered to be carried into operation, *ib.* 7653——A good deal of the expense of the Delhi road would be owing to its being formed under the Board, *ib.* 7656——The forms required by the Military Board at Bombay are a great check upon public works, *French* 8942.

See also *Army. Commissariat. Public Works.*

Military Education. Such institutions as Addiscombe, Woolwich, and Sandhurst are required for a military education, because it is not taught generally in the schools in the country, *Pasley* 5760.——*See* also *Addiscombe.*

Military Service. In India the military service is generally very popular, *Viscount Gough* 705——The natives in India are all half military, *Napier* 888.

Millett, Frederic, Esq. Since the abolition of the register in 1831 or 1832, there has been no training for the department of civil justice, 2264——But the amount of legal education given at Haileybury enables a young man, if he likes, to follow up the study of the law, 2265, 2266——Would not recommend a separate service prepared by legal education here, 2350——Approves of the system of putting a man in the office of collector before making him a judge, as it gives him an opportunity of becoming acquainted with the manners, &c. of the natives, 2267——But after a certain experience he should elect to which branch of the service he will belong, and be examined as to his capability for that branch, 2269-2271——Would abolish the system of keeping young men at the Presidency on their arrival in India, 2273-2281.

Would confine the attention at Haileybury principally to the European education, and only give an elementary knowledge of the vernacular languages of India, 2282——On the whole it would be desirable to mix them up with young men not intended for the Indian service, 2284——And if the universities afford equal opportunities of instruction, there is no reason for maintaining Haileybury, 2344——Adheres to the recommendation in the report of the Law Commission, that after two or three years under a collector, a portion of the civil servants should be separated for the judicial branch, 2290——And decidedly disapproves of the system of confiding judicial powers upon appeal to inexperienced persons, 2291——Much professional knowledge is not required for the usual run of cases, 2348——Would recommend not a technical education, but an education in the general principles of equity, 2349——A young man might commence as moonsiff, and then become Sudder Amin, 2293——The collector has no magisterial duties in Bengal, 2296——A man generally becomes zillah judge after about twenty years' service in India, 2297——The jurisdiction of the moonsiff is limited to 300 rupees; that of Sudder Amin to 1,000; the Principal Sudder Amin and the zillah judge have unlimited jurisdiction, 2301——The natives make very good judges, 2303——But the salary of the moonsiff is much too small, 2304.

In civil suits there is only one appeal upon the whole case; the second or special appeal is upon points of law to the Sudder, 2307——The courts endeavour to administer to all their own laws, 2313——It would be difficult to form a code of civil procedure in India similar to the Macaulay code, 2317. The non-liability of British subjects to the criminal jurisdiction of the provincial courts is an anomaly which ought to be changed, 2309——Covenanted servants can only be tried by the Supreme Court, 2314

Reports, 1852-53—*continued.*

Millett, Frederic, Esq.—continued.

Doubts whether allowing prisoners counsel is an improvement, 2310-2312——The Lex Loci did not fail from any delay on the part of the Law Commissioners, 2319.

Suggestions for the improvement of the legislation in India, 2321-2327——Would not associate natives with the Legislative Council, 2328——Would reserve to the Governor-general in Council the power of acting upon any emergency, 2334——Never heard complaints of Government interfering with the judges in disputes between collectors and the natives, 2330——Never heard of natives practising at the bar of the Supreme Court, 2331——An educational institution as regards the law would be desirable, 2333——It is desirable, as far as possible, to separate the police and judicial functions, but it would probably be very inconvenient to carry it to its full extent, 2335——Also for magistrates to commit their decisions to writing, 2336, 2337——Would like to simplify the system of civil procedure; in one of the districts of the Punjaub thirty-four per cent. of the causes are decided at once by confronting and examining the parties, 2342——The suits are much cheaper in the North-west Provinces than in Bengal, 2350-2352——The Punjaub system was promulgated under the authority of the Governor-general, 2353.

MISSIONS AND MISSIONARIES:

Summary of the results of the missions in India, *Duff* 6241——There are two sets of missionary agencies, the one educational, the other the ordinary method of itineracy among the villagers; the two are essentially distinct, *ib.* 6150——The efforts of the missions are threefold; first, itinerating; secondly, evangelizing the neighbourhood; thirdly, exercising the pastoral care of the Christians coming to them, *Keane* 7971——It was generally believed in 1837, that the Court at home sent a despatch forbidding civil servants from directly or indirectly forwarding the cause of the missions, *ib.* 7895——It was called the "Gagging Despatch," but was probably much exaggerated, *ib.* 7896——Is of opinion that itinerating is a very important work in India, *ib.* 7980——And though by taking a more limited circle, and repeating the visit, we have more immediate fruit, it is best to combine the two, *ib.* 7981, 7982——Number of the Missionary Societies in the Bombay Presidency, *Right Reverend Bishop Carr* 8145. 8148——Nature of their labours, *ib.* 8149——The actual result in conversions may appear small, but is of opinion that there is an immense influence of Christianity spread abroad, *ib.* 8149——The Church Missionary Society has but lately given attention to the system of itinerating missions, *Tucker* 8341——Would not wish to see the system extended without a succession of clergy to take up the work, *ib.* 8342, 8343——Statement of the results of the missions, extracted from the Calcutta Review, *Keane* 7974.

The missionaries are the very best oriental scholars in India, *Marshman* 5042——Have not had much success in getting converts, *ib.* 5043, 5045——At Rangoon, have not been interfered with by the Government, *ib.* 5054——With few exceptions, they are ordained ministers of Protestant churches in Europe and America, *Duff* 6241——Their progress in India was at first slow and painful, *Trevelyan* 6795——They were regarded with suspicion as being connected with Government, *ib.* 6795——But the moment the natives found that they had nothing to fear from them their feeling towards them changed, *ib.* 6796——They are known not to be under the control of Government, and may do anything without exciting any disturbance whatever, *Bird* 7114——The natives had rather a feeling of sympathy towards them, *ib.* 7115——Are likely to be more successful by reason of their recognised independence of, and separation from Government, *ib.* 7116——At one time there was great objection to their being in India, *ib.* 7146——They held their meetings privately to avoid exciting alarm, *ib.* 7181——It would be a very mistaken measure to interfere with their labours, *Cameron* 7414——Is of opinion that they would meet with great difficulties if regarded by the natives as the agents of the Government, *Keane* 7887——There are about 400 missionary ministers, and 1,600 natives employed as agents, who have been trained by the missionaries, *ib.* 7972——Of these, about twenty or thirty are in the ministry, *ib.* 7973——The great body of them would be called preachers and school teachers, *ib.* 7974——The missionaries are the most popular men in India, *ib.* 7975——Is of opinion that more concert and organisation would do harm; would have the missionary very much unhampered, *ib.* 7979——Pay and allowances to missionaries, *ib.* 7940. 7976, 7977——Would prefer their present position to being recognised as Government servants, *ib.* 7898——The Government rather leans against the missionaries, 7892——Is of opinion that it would work well if Government were now to sanction them, *ib.* 7897——Explanation of the plan pursued by witness in preaching through the villages in Bengal, *ib.* 7816-7824——A number of them in the Punjaub have only just commenced preaching in the native languages, *Tucker* 8241——They have not met with much success among the Hill tribes, *ib.* 8245——There are none in the Mysore country; the church missionaries generally abstain from going where other missionaries have preoccupied the ground, *ib.* 8246——Explanation of the greater success of the missionaries at Madras, when compared with those in Bengal, *ib.* 8351——Lord William Bentinck's address to the missionaries of Bengal on leaving India, *Trevelyan* 6800——With a view to assisting the labours of the missionaries, would recommend the improvement of education by the introduction of the Bible, *Keane* 8008——And secondly, by making the East India Company's chaplains learn the languages, 8008-8010.

Missionary

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MISSIONS AND MISSIONARIES—continued.

Missionary Canon.—Meaning of the term, *Keane* 7775.

Missionary Lectures. The native managers of the Hindoo College objected to the students attending the missionary lectures, *Wilson* 7201.

Missionary Educational Institutions.—The institutions established by the Christian missionaries have rendered the infidelizing efforts of the Hindoo College system less visible of late years than formerly, *Duff* 6115——Along with secular education they convey a knowledge of Christian principles, *ib.* 6118——The immediate object of such institutions is to combine a useful secular with a decidedly religious education, *ib.* 6120——There is very great readiness on the part of the natives to avail themselves of these institutions, *ib.* 6122——The secular learning is one great inducement, *ib.* 6141——That at Calcutta has a larger number of students than the Government Hindoo College, *ib.* 6123——Number of the students in December 1852, *ib.* 6134——The majority of them remain outwardly Hindoos, *ib.* 6124——No regular class fee is paid; the students pay all expenses connected with books, &c., *ib.* 6140——Expense of the books, *ib.* 6143——Papers by Dr. Duff, exhibiting the nature of the results of the institution, *App.* (G.) *Second Report, p.* 417——They are a fair specimen of the education in non-government Christian institutions, *Duff* 6220.

Missionary Schools. All teach religion; it is the distinctive character of their schools, *Perry* 5933——Considers it calculated to breed great hypocrisy, *ib.*——There are sixty-five vernacular missionary schools in the Bombay Presidency, with 3,846 pupils, *ib.* 5934——They are all taught from the Bible, *ib.* 5935——They open their schools gratuitously, and they are generally attended by the poorer classes, *ib.* 5937——The poor Brahmins they attract associate with the low castes for the purpose of getting an English education, *ib.*——The natives prefer the Government schools, *ib.* 5939——The missionaries go to every eligible station and open a school, *ib.* 5940——Their schoolmasters in the Mofussil are principally Brahmins, *ib.* 5941——Generally speaking, the missionary schools have not caused infidelity; the young men, though they have not embraced Christianity, cannot be said, with very rare exceptions, to be infidels, *Duff* 6186.

The receiving of Christian instruction is imperative in mission schools throughout India, *Duff* 6144——They were first established for the children of heathen parents, *ib.* 6178——The education is perfectly free, except that the students are required to purchase their own books, *Marshman* 6428——They missionaries have paid much attention to vernacular education; number of their vernacular schools in the Bengal and in the Agra Presidencies, *ib.* 6482——They have discovered the importance, in forming the mind of India, of the vernacular languages and literature, *Trevelyan* 6678——The missionary schools give a very well-devised and well-grounded system of English instruction, *ib.* 6671——Their design is to convert the natives to Christianity, *ib.* 6804——They often unconsciously cultivate a habit of dissimulation, *ib.*——They invariably teach Christianity, *Bird* 7106——They teach the Bible as a class-book with a view to conversion, *ib.* 7107——Believes that they are better attended than the Government schools, *ib.* 7111——Teaching the Scriptures in them does not prevent the attendance of Hindoo children, *ib.* 7112——They have improved very much; they have very much raised the literary and social character of the native Christians, *ib.* 7117——They generally follow the same system as Dr. Duff's school, *Wise* 7072——At Madras it has been proposed to grant them pecuniary assistance, instead of assigning a fund for the support of Government schools, *Wilson* 7262——Between 60,000 and 70,000 pupils attend the missionary schools; the Bible is taught in every one of them, *Keane* 7185.

Statement of the progress and success of the General Assembly's (now Free) Church Institution at Calcutta, *App.* (G.), *Second Report, p.* 416.

See also *Bible. Bishoprics. Christianity. Church Missionary Society. Conversions. Converts. Education. Female Education. Government. Medical Missions. Pegu Mission. Religious Instruction. Scotch Free Church. Tanjore Mission. Tinnevelly.*

Mofussil. Opinion of people in the Mofussil cannot be inferred from the opinion of people in the Presidency towns, *Willoughby* 3176.

Mohurur. Is an officer in the police under the darogah; his duties and pay, *Halliday* 3564.

Money. Is getting scarce in India, *Keane* 7781——But even if less in quantity, there is a more free use of it than formerly, *ib.* 7784.

Moorshedabad District. Its extent, *Macpherson* 8665, 8666——It is one of the most populous districts in Bengal, *ib.* 8668——The town itself is much diminished, and partly in a dilapidated state, *ib.* 8670——There is a great diminution of opulent people in that part, *ib.*

Morals. The tone of public and private morals is now much higher at the stations than it used to be, *Bird* 7173——It is the absence of moral qualities which at present unfits the natives from taking part in the actual Government of India, *Trevelyan* 6572.

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Mortality. Reason why higher in the Bengal army than in the armies of the other Presidencies, *Melvill* 168.

Municipal Affairs. The interest taken by the natives in municipal affairs is increasing, *Willoughby* 3293——They are very much neglected in the interior, *ib.* 3295.

Municipal Rusudbundee. Is a tax upon houses for a watch system, *Caldecott* 5540.

Munro, Sir Thomas. In 1814 or 1815 was chief commissioner to inquire into the judicial system at Madras, *Hill* 2231——A portion of his recommendations were adopted, *ib.* 2235——He established village courts, with jurisdiction up to ten rupees, *ib.*——The feeling of the service was then averse to change, *ib.* 2236——Opinion in favour of the training of civil servants in the revenue line, *ib.* 2237——In 1822 he ordered inquiries to be made as to the statistics of native education at Madras, *Duff* 6086——Statement of the principles upon which he considered native education should be carried out, *Norton* 6272——Had great influence; his character stood very high for experience and judgment as a public servant; his recommendations were generally approved; he attached great importance to irrigation, *Sims* 8776——He usually made a tour every year for the purpose of ascertaining the state of the country, *ib.* 8777.

Muskets. See *Arms and Accoutrements.*

Muttra. Is the cradle for the more popular idolatries, *Duff* 6096.——See *Schools.*

N.

Nagree Hindee Language. Was used in the Saugor and Nerbudda Courts, *Caldecott* 5503.

Napier, Lieutenant-General Sir Charles, G.C.B. Witness has been twice in India, 791——Has had opportunities of observing the native armies, particularly the Bombay and Bengal armies, 792——The army generally is a very fine army; but there are points which paralyse its efficiency very much, 793——Great inconvenience arises from the want of a general staff corps, *ib.*——Such a corps should be established at a low rate of pay, sufficient merely to cover the extra expense which the officers would be subjected to, *ib.*——It would very much relieve the draught upon marching regiments, which is so great as not to leave enough for the regimental duties, *ib.*——Would always fill up a vacancy in a regiment caused by an officer being drawn for the staff, *ib.*

The artillery is not sufficiently officered; the number of horse artillery troops in the Indian army is too large, 793——Is of opinion that the horse artillery is not of that value which is generally attributed to it, 794——That well-horsed field batteries are equal to any work required of them, 793, 794, 795——Would reduce the horse artillery, and increase the number of officers, 793——When Commander-in-Chief, never allowed artillery officers to be on the staff out of their own corps, except two especially ordered by Lord Dalhousie for their knowledge of some particular work he had in hand, *ib.*——The Indian artillery is the most efficient in the world; its practice is admirable; the Royal artillery may be a more scientific corps, but as a practical corps in the field never saw anything better than the Indian artillery, 793——At the time the horse artillery was made so strong, a great portion of the foot artillery was drawn by bullocks, 797——The whole artillery is squeezed to make troops of horse artillery, 798——And after the Governor-general's body guard, they have the first pick of the horses, 799——They are armed with six-pounders instead of nine-pounders, like the horse field batteries; the rest of the artillery is ruined for the sake of the horse artillery, 800——Both in range and accuracy of fire, the advantage is in favour of the nine-pounder, except in mountainous country, 801——Found a six-pounder heavy enough in Scinde; could not have managed nine-pounders so well in the Cutch Gundava Hills, *ib.*——Three-pounders even are better than none at all, but a nine-pounder is the best gun we have as yet, *ib.*——Guns in the hills were drawn by horses; had some mules, but not very fine mules, 802——Had one or two elephants, 803——They are exceedingly useful, but do not like going into action, 804——Had camel artillery; at Meanee they did very well, but they will not do on hard and stony ground, or where the ground is slippery, 805.

The cavalry in India must be gelded; it is no use to employ stallions in war; they are good for nothing; they are mischievous in war, 806——Gelded horses in India are not more apt to knock up, 807——They have been trying gelded horses at Madras, by way of experiment, and understands that it fully answers with both cavalry and artillery, 807——You cannot make a night march secretly with stallions; you are discovered by their neighing; the sight of one mare may keep a whole regiment in a state of agitation; if thrown in among you by the enemy, 10,000 cavalry may be dispersed in half an hour, *ib.*——The camp is constantly disturbed by stallions getting loose at night; never saw so inefficient a horse for war, except where great muscular power is required for a very short time, 808——French horses in the Peninsula were geldings, 809——You must picket them by holding the legs and head, 810——Geldings will bear more fatigue; General Hunter and Sir W. Gilbert are of the same opinion, 811——Believes that the whole

Reports, 1852-53—*continued.*

Napier, Lieutenant-General Sir Charles, G. C. B.—continued.

whole of the Indian cavalry officers are against having stallions, 811——In the irregular cavalry horses and mares work together in the same regiment, but they give a great deal of trouble; the desert tribes all use mares, 812.

Stud horses are generally vicious, and is of opinion that there ought to be no studs in India at all, 813——The horse costs from 900 to 1,000 rupees, before efficient as a war horse; witness established a fair at Sukkur, and got horses for from 350 to 450 rupees each, broken in, and everything complete, *ib.*——General Gilbert and General Hunter, who was from ten to fifteen years at the head of the stud in India, both told witness that they were the finest horses they had, *ib.*——They are excellent judges of horses, *ib.*——Gulf and Arabian horses cost about 600 rupees at Bombay, but they have a long voyage, and there is a great demand there, 814——You can contract with Australia for excellent horses at about 450 rupees, *ib.*——Cape horses are excellent, *ib.*——Could get Turcoman horses by establishing a fair at Peshawur, 815——Depôt for Bombay horses ought to be at Sukkur, Hyderabad, or Kurrachee; it would be much cheaper, 816——Horses at the fairs are generally stallions, 817——If it was known that geldings were preferred, the natives would geld, 818——Does not know much of New South Wales horses; believes that they are very good and very hardy; artillery and cavalry officers generally like them very much, 819.

Cavalry accoutrements might be more assimilated to the Indian style, 820——The natives like their own sword, 820. 828——It is lighter than our dragoon swords, 828——They do not like the steel scabbard; it blunts their swords, 821——Witness thinks it bad; the wooden scabbard is better in dry countries, *ib.*——Pistols are of little use, but carbines are sometimes useful, 822——The natives like the Eastern saddle better than ours, 828——The dress is assimilated too much to our cavalry dress; they are buttoned up too tight, 829——The power of ordering alterations rests with the Court of Directors, 830——Not with the Commander-in-Chief, who has absolutely no power in India; at least witness had none, 831.

The Irregular cavalry and infantry is very superior to the regular, 823——The reason is, the officers are all selected for energy and ability, in full strength and health, and full of life, from twenty-five to thirty-five years of age, *ib.*——Officers of regiments of the line are not selected, and many of the commanding officers are quite worn out, *ib.*——Does not think the superiority is due to the class of men, it is having a young officer who knows his business and has strength to do it, 824——There is a good deal too in not having European society to divert him from his military duties, 825——The native officers are generally of a higher grade than in the regulars, 826——They are very good in the regulars, but somewhat too old, *ib.*——Promotion by seniority is a weak point in any service; young blood is wanted for war, *ib.*——In the irregulars, they are not selected by seniority, but the natives are very good in both, 827.

The Infantry requires more officers, 832——Every company ought to have a captain, which is not the case, 853——When going into the field, officers are recalled from the staff, but are of no use; they know nothing of service in the field, and have probably forgotten their drill, 854——Can be put on the staff after three year's service; five would be better; they remain on the staff as long as they have interest to keep them there, 856——And would not be displaced by acquiring regimental rank, unless they held very low appointments, 857——Nothing would put them out of employment but quarrelling with the Governor-general, 858——Much mischief is caused by their being withdrawn from intercourse with natives, but does not see how the evil can be corrected, 832——By constantly exalting Europeans above the natives, it becomes almost a matter of necessity to have them, *ib.*——By constantly hearing it said that they cannot meet an enemy unless supported by Europeans, they begin to believe it; it is a palpable fallacy; a well drilled sepoy is a brave and stanch soldier, *ib.*——The only way of causing European and native officers to mix, would be by giving the latter a rank equal to our own, but that would require great consideration; it is done in the civil service, and is just in the army; it is a question of policy, not discipline, *ib.*

In Bengal, the sepoy enlists under promise of promotion by seniority, but it is not so in Bombay; witness was much attacked by the Indian papers for issuing an order, preventing soldiers from being selected for promotion out of their turn without any ill conduct on the part of the men passed over, 833——It was only a repetition of one issued before by General Fane, and confirmed and issued by Lord Gough, and was issued at the request of Colonel Tucker, adjutant-general, Colonel Grant, Sir W. Gilbert, and Sir Hugh Wheeler; they not only concurred, but initiated the order, *ib.*——It created great discontent, but is sure that it was necessary, *ib.*——Native officers in the present system looking to their pension will not join in mutiny, *ib.*——It is true the Bombay army is superior in having young officers, *ib.*——But it is very difficult to say what would be the most expedient course for the future, with regard to promotions by seniority, 834——Is not aware that rule does not apply to the Madras army; the Bombay army is small, has always been much mixed with the Queen's troops, and they have taken our system for years past, 835——The situations of subadar and jemadar in the Bengal army are to be regarded rather as rewards for past services, but when witness was alone with Bengal troops in the Cutch Gundava Hills and Kohat Pass, those old officers did their duty very well; is of opinion, that

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Napier, Lieutenant-General Sir Charles, G. C. B.—continued.

young and energetic non-commissioned officers may be dangerous or useful according to circumstances; all depends upon the leader, 836.

The weight of the musket ought to be reduced; the Indian sepoy is not equal to it, 837——A lighter musket for the whole army would be advisable, 843——Would reduce the weight of the brasses and wood work; the locks may be lighter and better, 841——The sepoy's musket is exactly the same as ours, 839——Would not reduce the bore, 837. 840——It would be very dangerous to have small arms of different calibres, 842——The French musket was formerly lighter and smaller in the bore than ours, 844, 845——Sir Charles Bell made a collection of bones broken by musket-balls after Waterloo; the fractures by the English balls were more severe, 844——It is the weight of the ball; there is nothing in the powder, 845——The stocks are all made in one form, 849——With the same degree of bend, 850——At least there is no systematic difference, 851——Long-armed men and short-armed men use the same stocks; it might be better otherwise, but it is not of much consequence, 852.

Unless something is done about the baggage, an Indian army can never move in war as it ought to do; witness never saw an Indian army with a reasonable quantity of baggage, though he took every pains to reduce it, 859——At Chillianwallah it extended five miles from flank to flank, and was about twenty miles in length on march, 859——A baggage corps is the only way to organise it, *ib.*——Witness established one which worked perfectly well, 860——In marching with Bombay troops to Peshawur, the baggage corps was always ready with baggage and food; it answered in every way, and had reports from everybody to the same effect, *ib.*——There was none in the Bengal army, 861——The pots and pans carried by the sepoys should be all lightened; that every commander can do; witness did so in Scinde, 846, 847——The whole baggage system is heart-breaking to a commander, 847——It wants to be organised; you can move twice the quantity with organisation that you can without it, 863——There are circumstances connected with the country in India rendering a larger proportion of baggage necessary than in Europe; you must have tents in India, 869——You cannot quarter troops in villages; you always encamp, 870——In the Peninsula being quartered in a town always produced sickness, and we preferred bivouacking though without tents; but you cannot do that in India; you must have tents, 871——One advantage of a baggage corps would be the more equal distribution of weight among the animals, 872——Bengal camels can carry about 400 lbs.; the Bombay not above 300 or 350 lbs.; has often taken eight or nine cwt. off a camel; there is a general system of ill-treatment of animals, *ib.*——A baggage corps would remedy these evils; in the corps established by witness every bit of baggage beyond a certain weight was immediately taken off by the baggage police, and burnt by the road-side, *ib.*——Could not reduce the necessaries of the European troops, because they were fixed; the allowance in witness's opinion is much too large, 873——Restricted the sepoy's pots and pans to what his officer said was necessary, *ib.*——There is a baggage master, but with such a quantity of baggage he can do nothing, 874——It requires an establishment of officers and non-commissioned officers with nothing to do but to enforce baggage regulations, *ib.*——A large number of fighting men singly and in small detachments are required to look after the baggage, 875, 876——They are obliged to spread along the line of march, 876.

In the Bengal army the camp followers are five to one fighting man; in the Bombay army three to one fighting man, 862——Registered and unregistered, 865——It includes all the followers of the army, 866——The attendants of the bazaars included, 868——Witness took great pains to ascertain the number, 862——Can hardly say that the proportion is unreasonable according to the system carried on; but it ought to be regulated, 863——Thinks that if the baggage was organised, it would reduce the number of camp followers very much, 864.

The Commissariat is on a bad plan in Bengal; it is chiefly regulated by the Military Board, 878——The lowest sealed tender is taken, *ib.*——The contractor offers far below what he can afford to furnish the articles at, in order to being employed by Government and thereby enabled to cheat and oppress the people, *ib.*——Everything he furnishes is bad; never passed a European regiment without examining into it, and almost always found bad supplies, *ib.*——Other regiments differ; they feed themselves, *ib.*——It ought to be under a Commissary-general, and not under the Military Board, and severe rules and severe punishments established for defalcation, 879, 880——The Military Board is the curse on the Indian army; at least the Bengal Military Board is, *ib.*——Contractors give security, but it is not enforced; it is worth their while to run the risk and even pay the forfeit, which they make up by bad articles when the storm has blown over, 880——Commissaries always told me their hands were tied; that they were not allowed to take the necessary measures against the contractors; the evil continued, *ib.*——Surgeons have often said that the hospital comforts were such that they would not give them to the sick, *ib.*——The punishment was merely a few rupees, *ib.*——All the evils to the British soldier spring from the Military Board; the public allows amply, but he is cheated by understrappers, *ib.*——Delays in doing the soldier justice produce incalculable mischief; he grows disgusted with bad provisions and flies to ardent spirits for comfort, 881——In India you cannot reject the bad provisions and buy good

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Napier, Lieutenant-General Sir Charles, G. C. B.—continued.

at the butcher's or baker's, 881——The contractor ought to have a good price and let him make a little money by it fairly, and force him under heavy penalties to supply good provisions; knows no may of correcting the evil except by corporal punishment, *ib.*——Military Commissaries can do their duty very well; supposes that civilians could do it equally well, and it would be so far better that the military would then be doing duty with their regiments, 887——The natives are half military, and perhaps look with more respect to a man with a sword by his side, than to one who has not, 888——It is universally known that a great deal of fraud is perpetrated in the contracts on the part of the English, 889——But not by positive proof, *ib.*——When there is an officer of high honour in the Commissariat all goes right; when an officer takes a present from a contractor, would believe him to be bribed directly or indirectly, *ib.*——An officer taking the smallest present from a contractor ought to be deprived of his commission, *ib.*——The superintendence of the Military Board is not effective; thinks that it is mischievous in everything, 891——Except vouchers for payments made, suspects the vouchers, &c. required are so much waste paper, 892——One of the greatest evils is the time before the accounts are closed; an officer under witness's command in the Hill war, in 1845, had been unable to get his account closed in 1851; the system of the Military Board is enough to make men dishonest, *ib.*——Witness cannot suggest a check, but Major Kennedy, now in London, systematically examined into the question, 893——He reported to Lord Dalhousie, 894——And said he never saw anything like the confused state of things, *ib.*

There is always a deficiency of medical officers, 882——In general after an action there is a great want of them, *ib.*——When in Scinde, from 1842 to 1847, witness could not get medical officers of a higher rank than assistant surgeons (except surgeons of the Queen's regiments) to remain; those of the higher grades in the Company's service always contrived to get away; the sick were left in the hands of young assistant surgeons more than witness thought right, *ib.*——The medical officers are called in on the army going into the field, and the long absence is not so important as in the case of officers, as he has probably been practising his profession, 883——No military surgeon ought to be allowed to take private practice, 884——Has heard that the native assistants are very competent indeed, 885——That they are averse to dissection in Bengal, but do it well nevertheless, *ib.*——Has heard of Europeans going to native medical officers rather than Europeans, 886.

Witness considers that Political Agents would do a great deal more good with their regiments; they are taken before they know how to command a company, and sent with great power; in fact, to command general officers; they do a great deal of mischief, 897——They ought to be restricted to such powers as they are competent to make use of, and not to paralyse the military commander, who is responsible, 899——An officer of high rank lately resigned, because he was dictated to by a captain in the field and reprimanded, witness believes, for refusing to obey him, *ib.*——Cannot exactly say that the military officer is considered as obliged to obey the Political Agent, because witness did not himself; in the Kohat Pass the Political Agent began to advise witness, who put an end to it at once; had he not desisted would have sent him to the rear; that has never been done, but witness would have done it had any political agent interfered with his command, 900——In Kohat they burned villages under the protection of the troops, in spite of witness's wish, by order of the Board of Administration, and witness could not legally stop it, 901, 902. 905——They were burned by the native troops under the command of the Political Agent, 904——He allowed the civil force to obey its orders, as the villages were empty, 905——Lord Ellenborough put an end to all embarrassment from a political officer in Scinde, or witness would have lost the army, 906——Cases illustrative of the danger of this state of things; the order had not been previously communicated to witness, 908——The infantry ordered to reinforce Kohat had no arms fit for use; witness therefore stopped their march, and undertook to convey them to Kohat, for which purpose he collected a force of 3,000 men with artillery, and went through the pass fighting the whole way, day and night, *ib.*——It arose from the Civil Government sending their orders to irregular troops not under the Commander-in-Chief, 909——And without knowing anything of the state of the country, 910——Without the authority of the Governor-general, 911——The Board of Administration at Lahore gave several proofs of its utter ignorance of military matters, 910——Proceedings at Dargeeling when a force was collected to punish the Rajah of Sikkim described; it is rather an instance of injudicious interference on the part of the Supreme Government with the Military Executive than on the part of the Political Agent, but it shows the danger of these things, 911-914——Believes that the order was given upon the representation of the political officer who was upon the spot, 916——Sir John Littler sanctioned it, which he ought not to have done, 915.

The army might be better arranged; it is now so dispersed that its numbers have no efficiency, 917——Would substitute a military police for the civil police, 918——If Lord Ellenborough's police battalion had been preserved, the army might have been reduced 50,000 men; it is wasted in civil duties, 918——The civil police is perfectly inefficient and oppressive to the people, 919——In 1849-50 witness gave upwards of 30,000 cavalry and infantry for the mere guarding of treasure, 920——Generally speaking, from the constant harassing and performance of escort duties, the army had not above two nights in bed; in many

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many cases there are permanent guards on duty every night for months; it destroys the discipline of the Bengal army; permanent guards are not allowed in Bombay, 921, 922.

Had no civil police in Scinde, 924——The military police was 2,400 strong, 923——Divided into three classes: mounted police, rural police, and city police, and the tranquillity of the country was maintained perfectly, 925——Comparing the expense of the civil police in Bombay, which was very bad, with the police in Scinde, the one was about twenty-five per cent., the other fifteen per cent., 926——The civil police was much more numerous, 927——An efficient military police in the Upper Provinces could take charge of the cantonments in the event of the troops being suddenly required in the field, 928——A strong force might be formed by employing some of those engaged in private families as peons and chuprassies; found these people more numerous than the army, *ib.*——Their pay is only three rupees a month, 929——Is of opinion that the European force in India is sufficient, 931——The greater part of it is in the Punjaub, 934.

In the barracks the allowance is from 450 to 600 cubic feet to each man; they are generally without any good ventilation, 935——Arising from the rooms being too low, 936——Saw none good but some built by Lord Ellenborough at Allahabad, but they were in too confined a fortress, and fever resulted, 937——Are better at Umballah than most places, but too low, 939——One thousand cubic feet ought to be allowed to each person; the area of the floor is no criterion; witness's plan, which has been adopted to some extent, is a narrow barrack with great height, 939——In Scinde they were twenty-five feet high, and witness heard that they have been found to be very healthy, 940——Does not know what Lord W. Bentinck's plan was, 941——A large surface of floor is a great evil; you put three or four rows of beds, the air is consumed, and the foul air does not rise, 942——It does ascend where the barrack is high, *ib.*——Good barracks is a most important thing for health, 943, 944——The quantity of guards and civil duties destroys the health and discipline of the troops very much, 943——Latterly an allowance has been ordered for punkahs in barrack rooms, but it is not enough; found the punkahs at once turned the scale in favour of health, 946——Could only improve the hospitals by giving them height, and baths always, 945——Punkahs did a great deal of good, 947——Ice has been beneficial, 948——But fresh air is the real foundation of everything regarding health; with great height you can shut the doors and windows, and the men can sleep in the cool air inside, 948.

Considers the employment of the Goorkah race of great importance; they are excellent soldiers; their courage equal to our own; no caste; are excessively attached to European troops, and feel the greatest possible pride in the European uniform; with 30,000 of them, in addition to our 30,000 Europeans, we could do what we liked; we should no longer hold India by opinion, but by actual force, 949.

The Sikhs have no caste, 950——But we do not know that they are true; they may be faithful, but they are not fond of our rule, 951——Witness raised two fine regiments of Belooches, but did not confide in them till Scinde proved faithful and contented with our rule, *ib.*——They are merely warlike tribes, but the Sikhs are a nation, and have something to look back to; they may turn out faithful, *ib.*——The Sikhs will volunteer anywhere, and may be very good soldiers; but the Goorkahs are as good, and devoted to us, 952——Would not intermix them with Hindoos; would preserve their nationality by keeping them in regiments; they are such ugly little fellows they would spoil the appearance of a sepoy regiment, but their expansion of chest is enormous, 953——The Hill men are always larger chested than ours, *ib.*——It is unfortunate that our Goorkah regiments were paid at the rate of only five rupees a month; witness got the pay of the Sixty-sixth Goorkah regiment increased, 954——And begged it for the others too, and has Lord Dalhousie's promise to give it to them, dated about November 1849; if they have not got it public faith has been broken with them, 955——Perhaps they are not so good in the plains as the inhabitants of the plains, but they are equal to the Europeans in the plains, 956.

The furlough question has become a sort of cry in India; very few are against the new modification; is of opinion, that the more you allow officers to come to England, the more likely they are to do their duty well; never much considered it, as it cannot be long refused; the old system is inconsistent, if not absurd, 957——It is very inconsistent and impolitic to allow advantages to officers in going to the Cape and New South Wales, where it is difficult to get at them, and disallow them advantages on coming to England, from whence they can return to India in a short time, 958.

Sikh regiments raised in the Punjaub are very good, 959——Never saw a finer set of soldiers in fire or out of fire than the Second Punjaub infantry, composed of Sikhs, Patans, and all kinds of men, 960——Used them freely in the Kohat Pass, *ib.*——They were drilled as well as any regiment of guards in London; were perfect masters of their weapons and perfectly cool in action, *ib.*——Their drilling was Major Coke's, *ib.*——Believes that they are well affected to the European officers, but cannot say what would be the result of a misfortune, 961——Where all your troops are mercenaries it is better to mix them; you know what goes on better, *ib.*——That system approaches nearer to the system of the rest of the Sepoy army; the real excellence of troops depends entirely upon

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upon the commander; thinks that it would be beneficial if cadets did duty with the Queen's regiments in England for a year or two before going to India; can see no difficulty in carrying such a plan into execution, 963.

NATIVES OF INDIA:

Native Agency.—Would wish to see the natives more extensively employed than they are at present, *Perry* 2696-2699——Their increased employment judicially is desirable, and why, *Reid* 2911——The advantage of it is, that it is more economical than the European, *Willoughby* 3280——The natives can determine facts better than the Europeans, but they are less to be trusted, *Lushington* 4456—— The offices of Principal Sudder Amin, deputy magistrate, and deputy collector, were created for the purpose of bringing forward the natives in higher offices, *Halliday* 3720——They are at present excluded from the higher judicial offices, not because they are natives of India, but because they are uncovenanted servants, *Baillie* 4015——When fit for it, they might be more extensively employed in the higher judicial offices, *Reid* 2916——The only offices they are now excluded from are those of Zillah Judge and Judge of the Sudder Dewanny Adawlut, *Baillie* 4008—— A new race of natives is now springing up who would decidedly have an opinion of their own, if placed on the bench with European judges, *Duff* 4212——Those promoted to the judicial and revenue offices have generally been of good caste, though not the highest, *ib.* 4215——Office has hitherto been coveted, not so much for the salary as for the facilities it affords of making money by undue means, *ib.* 4233——Found them very clever as superintendents of works, but requiring distinct training and well-defined rules, *Kennedy* 7604; *French* 8998, 8999——Instances of the enduring physical powers of native Indians referred to, *Kennedy* 7604, 7605.

The native character is not fitly represented by the educated natives of Calcutta, *Millett* 2328——With regard to the native character, has a favourable opinion both of their intellectual and moral qualities, *Sims* 8848——In the interior they are not inferior, in point of honesty and veracity, to people of other countries, *ib.*——People are apt to judge of them by those they find about the precincts of the different courts of justice, *ib.* 8849 ——When employed they have proved valuable and efficient servants, *ib.*

To appoint them to the Council at present would be to import an element of weakness and distrust, *Trevelyan* 6572——The natives would be quite unable to manage the Government, *Bird* 7184——Is of opinion that the natives might fill very high office with as much advantage to the State as to themselves, *Keane* 7834——After trial in the office of collector, and found trustworthy, a native in the Council would exercise very good influence, *ib.* 7835 —— In their present state of moral advancement, their appointment to certain situations would not be regarded with confidence or satisfaction, *Trevelyan* 6582—— On every ground of equity and of true policy they are entitled to a fair share of the higher offices, *Duff* 6233—— But their advancement to higher offices cannot be pursued to any considerable extent without further progress in education, *Norton* 6368 ——Two things are necessary for the success of the plan for employing them, that they shall be properly educated and sufficiently paid, *Trevelyan* 6572——Till adequately paid and properly trained and educated, the experiment will not be fairly tried, *ib.* 6789——The satisfactory way in which they have acquitted themselves in the Judical Department is strongly in favour of their capability for office, *ib.* 6788——The native agency has been adopted in every department of Government, except the Ecclesiastical, and with the greatest success, *Bird* 7133, 7134——The result of recent inquiries is, that they continue to improve in the manner in which they acquit themselves in superior employments, *Trevelyan* 6794——The rule as to their employment has not been to exclude them from all covenanted offices whatever, *ib.* 6759——The principle is just that the native should not be debarred from any situation for which he is qualified, *Wise* 7017——But at present it is more difficult to find a native qualified for an office, than an office in which, if qualified, he might be placed, *Bird* 7189.

The eighty-seventh clause of the last Charter Act is a complete declaration of a great principle, which ought to be carried out to its utmost extent, *Trevelyan* 6647——It seems a very strong and very clear declaration of general eligibility for office, *Cameron* 7380—— The construction put upon it in the Quarterly Review is irreconcileable with the declarations of the ministers when they brought it in, *ib.* 7380, 7381——Their exclusion from the appointment of assistant surgeon cannot be reconciled with the eighty-seventh clause, *Trevelyan* 6758——Considers that the employment of natives has been carried out more in Bengal and Agra, than in Madras and Bombay, *ib.* 6774——The eighty-seventh clause of the last Charter Act has not realised the expectations of the framers of it, *Cameron* 7382.

Native appointments in Bengal and Bahar, classified according to pay, *Marshman* 6490 Natives coming to England to be educated, should be placed on the same footing in point of salary, &c. with the European civil servant, *Cameron* 7377——Those graduating in the Indian universities should be admissible to all offices, but at a lower rate of pay, *ib.*—— It is absolutely necessary that they should have a place in any Board of Instruction, either general or specific, *Norton* 6373——Neither the natives nor ourselves are prepared for

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NATIVES OF INDIA—Native Agency—continued.

employing them more extensively in the higher situations in the army, *Trevelyan* 6577——But the employment of natives in superior command still survives in the irregular horse, *ib.* 6578——Natives indirectly exercise much influence over legislation, *Halliday* 3487——Distinctions conferred upon individuals are apt to excite jealousy in such a petty minded people as the Bengalese, *ib.* 3703. 3708. 3711.

Statement of the principal offices filled by natives, and their salaries, *App.* (C.), *Third Report, p.* 148.

Native Character.—The natives are very cautious of speaking of their pecuniary affairs in general, *Burlton* 565——The native mind in the Mofussil is naturally full of fear and suspicion, *Duff* 6059——Statement illustrating the present state of the native feeling upon the subject of Government interference with religious affairs, *Trevelyan* 6800.

There is a great precocity in the intellectual powers of the native, and a natural deficiency in their powers of judgment and in their intellectual energy, *Norton* 6342——After a period the native character relapses almost into a state of indifference, *ib.* 6341——The falling off in the mental faculties takes place about one or two and twenty, *ib.* 6346——The native intellect is more precocious than the English; it becomes mature much earlier and decays sooner, *Marshman* 6418——Does not concur in the opinion, that after a certain age the faculties of the native decay, *Trevelyan* 6644——The natives have a remarkable talent for mathematics and metaphysics, *Marshman* 6412——And a very peculiar talent for arithmetic, *ib.* 6420——They have a remarkable facility for acquiring foreign languages, *Trevelyan* 6605——And very considerable administrative qualities, great patience, great industry, and great acuteness and intelligence, *ib.* 6572.

They venerate Arabic and Sanscrit, but do not look upon English as real learning, *Wilson* 7225——They have seldom any antecedent objection to reading the Bible, *Duff* 6141——Would object to nothing which was a matter of speculation, and did not touch caste, *ib.* 6142——They are religious in their way more than most people, *ib.* 6267——The destruction of the native superstitions is an approach, and an useful approach, to the substitution of something better, *Norton* 6384——It opens their minds to truths in religion and to truths of all sorts, *ib.* 6386——Found that the natives admired us more for our moral qualities than for our arts, arms, or science, *Trevelyan* 6572——Whilst they distrust each other they rally round us, *ib.*——The educated natives are well aware that nothing but anarchy would follow the destruction of the English power, *Norton* 6327-6331——For a long time to come the establishment of a native government would be greatly to the disadvantage of India, *Trevelyan* 6708.

See also *Caste. Courts of Justice. Deputy Magistrate. Education. Government. Half Caste. Hindoos. Judges (Native). Medical Department Missions. Press.*

Native Landowners. Would not trust them in criminal matters with any powers, either as police or as criminal judges, *Torrens* 8435.

Natives of High Rank. Are habitually treated with courtesy and consideration, *Halliday* 3606. 3608——It is the general tone of the service, *ib.* 3614. 3615——They are upon the whole the most courteous people in the world, *Lushington* 4536——And in proportion, sensitive to neglect, *ib.* 4537.

Native Population. Generally speaking there is a great laxity of morality about them, *Reid* 2835——The want of veracity has been encouraged by Act 5 of 1840, *Lushington* 4437——They are not trustworthy, *ib.* 4463——Natives of India are very litigious, *Reid* 2844. 2852; *Willoughby* 3243; *Viscount Gough* 709——Cannot say that they are particularly prone to litigation; a great deal caused by the uncertainty of the law, is frequently ascribed to their litigious character, *Baillie* 3986.

Native Society. Its whole state and structure in a country like Bengal is just rotten to the core, *Duff* 4277——Would not object to young civilians seeing the worst specimens of the native character in the Moonsiffs' courts, *Baillie* 4046-4048——Observations upon the influence of Hindooism upon the character, *Duff* 4254-4256.

Native States. Security of life and property depends so much upon the character of the prince, that it is difficult to make a comparison with them, *Willoughby* 3116——In many respects it is difficult to adapt the native system of Government to our principles of administration, *ib.* 3288——Generally speaking, there is no separation between the revenue and judicial authority in the native states, *Campbell* 3834——They are not better governed than the British, *Edwards* 5844——The inhabitants live under no fixed law, and everything depends upon the character of the chief, *ib.* 5845-5850. 5857——Our protection of native states has been of no advantage to the people, *ib.* 5851——We sometimes interfere with the personal liberty of their subjects when we send for coolies, *ib.* 5852-5854——The native states have latterly acquired a far more formidable character than in the time of Lord Clive, *Viscount Gough* 726——Statement of the military forces of the native states; they amount in the aggregate to 380,000 or 390,000 men, *Viscount Hardinge* 2077-2079.

Reports, 1852-53—*continued.*

Native States—continued.

Return of Native States, showing the area, population, revenue, annual tribute, nature of connexion with the British Government, and military resources of each, with map, *App.* (C.), *Third Report*——Abstract of Return, *see* p. 142 of *App.*

Nauch Girls, or Dancing Women of the Temple. It is a description of slavery of a most awful character, *Keane* 7848——The attention of the Government should be directed to how they are obtained, how detained, and what becomes of them, *ib.*——The Nauch girls are the best, perhaps the only educated females in Southern India, *Tucker* 8323, 8324——They are merely taught to read and chaunt songs, and dancing, *ib.* 8323.

Naval Affairs in India. Conducted by the Marine Branch of the Secretary's Office, *Melvill, J. C.* 1482.——*See* also *Indian Navy.*

Necessaries. The regulation quantity is not sufficient for comfort and health in India, *Viscount Gough* 749——With Europeans, they are carried in a canvas bag, in addition to the knapsack, *ib.*——*See* also *Arms and Accoutrements. Army. Baggage.*

Nizam's Irregular Horse. Is a magnificent force of cavalry; never heard any complaint of them, *Berkeley* 490——They are of a superior caste, *ib.* 491.

Nobut. When given to the native officers, it never answered, *Alexander* 1179.

Non-Regulation Provinces. There is a considerable similarity in the civil and criminal systems of the different non-regulation provinces, *Campbell* 3830——The law administered has combined revenue and judicial matters in the same functionary, but is of opinion now that it is necessary to separate them, in order to have an efficient system, *ib.* 3963——In the non-regulation provinces, some of the superior offices have been given to military men, *Marshman* 5063——There is a difference of opinion as to the administration of Government by military officers, *ib.* 5076——Explanation of the system relating to the execution of public works in Nemar, a non-regulation province, which might be extended to the neighbouring province, *French* 8930——In the Nemar district, a good deal that was done was mainly owing to its being a non-regulation province, and not being under the Military Board or Sudder Adawlut, *ib.* 8917.

Non-Suits. There are very many nonsuits in the courts of the East India Company, *Baillie* 4004.

North-Western Provinces. The same civil and criminal law is administered as in the Lower Provinces, *Campbell* 3808——The inhabitants are physically a finer and more manly race than in Bengal, *Duff* 4247——The general superiority of the Government of these provinces is to be attributed to the system of Government established there in the hands of one man unfettered by a council, *Marshman* 5071-5073——The claims of seniority have been set aside to a greater extent than in the Bengal provinces, *ib.* 5071——Things have immensely improved in these provinces, *Duff* 4244——The marking out the boundaries of the zemindaries, and defining the rights of the ryots, has led to a great diminution of crime, *ib.* 4245——Everything has been done for the support of the Bhyachara communities in these provinces, *Lushington* 4594——They never sell land for revenue, *ib.* 4595——The principle which governs the collection of the revenue is, that the crop is responsible to Government for the revenue, *ib.* 4627——And it is found sufficient, *ib.* 4628——The revenue system is cumbrous and complicated, but more suited to India, and infinitely more agreeable to the people, than the obsolete system of auction sale, *ib.*——Mr. Thomason, the Governor, instituted inquiries into the state of indigenous education, *Duff* 6059——Result of the investigation, *ib.* 6080——There is no reason why European settlers in the Upper Provinces should not partake of the same physical qualities as the natives, *Trevelyan* 6738——They would have a great tendency to confirm our dominion in India, *ib.* 6741——The North-western Provinces have not petitioned against the Liberty of Conscience Act, *Marshman* 6517——The survey and settlement together cost about half a million; the survey 235,000 *l.*, the settlement 337,000 *l.*, *Thornton* 7532——In these provinces money can be invested in a thirty years' lease of land, *French* 9032.

Norton, George, Esq. Was Advocate-general of Bombay from June 1823 till March 1828, and filled the same office at Madras from March 1828 till March 1853; 6269——Has attended to the subject of education very much during the last 25 years, 6271——Has no reluctance to give evidence as far as facts go, 6270——Sketch of the progress of education in the Madras Presidency, 6272——Statement of the nature of the studies in the University of Madras, 6273, 6274——By the fundamental rules there were to be two departments, the one the collegiate, the other the scholastic, 6274——The former was to have had civil engineering, medical and law classes, *ib.*——The schemes were referred to the Court of Directors, and they directed that the High School should be first organised and completed, 6276——The establishment of four provincial schools was also contemplated, but not one of them has been established, 6277, 6278——The original plan embraced an educational test for candidates for public employments, with a right of preference to individuals who had passed it; but it was objected to, 6279——And has not been carried out, 6280——The persons educated at the University of Madras have all, with two exceptions,

Reports, 1852-53—*continued.*

Norton, George, Esq.—continued.

tions, been employed by Government, and are much sought after, 6281——An influential party at Madras objected to support the university upon its present principles, because Lord Tweeddale's Government was better disposed, and proposed a scheme for founding schools in which the Bible and Scriptural instruction should be introduced; but the Court of Directors disapproved of the scheme altogether, 6283, 6284——Does not think that the education which the students receive at the Madras University has a tendency to sap their moral principles or render them less trustworthy, 6287——Or indispose them to receive the truths of Christianity, 6288——One of the greatest difficulties the promoters of education have had to encounter has been to introduce and diffuse western knowledge through the languages of Madras, 6289——The three modes of translation stated, *ib.*——Thinks a translation of the Bible could be easily effected, 6290——It is eminently calculated for easy comprehension in the native languages, *ib.*——Reasons for resigning the presidency of the university, 6295.

[Second Examination.]—Statement of the circumstances under which witness resigned the presidency of the Madras University, 6296-6299. 6303. 6308-6314. 6339——Opinion is in favour of giving a preference for employment to natives having possession of test certificates of qualification by education, 6302, 6303——It has greatly improved their moral feelings, 6306——High education has had a powerful effect in diminishing that want of respect for the truth which exists among the natives, 6308——Reasons for supposing that the natives take an interest in promoting education, 6318——Some of them have established schools at their own expense, 6319——One of the results has been the formation of a society with a view to social reforms, 6320——More particularly with reference to marriage, 6320-6323——And the education of females, 6320.

The highly educated are remarkable for their loyal feeling towards the British Government; but among those who can read and write English, but are not highly educated, there is a spirit of disloyalty, 6324——Some of the views of the Madras Association Petition were not concurred in by the best informed part of the native population, 6324, 6325——There is a pretty strong conviction among them that nothing but anarchy would follow the destruction of the British Government, 6327-6331.

Suggestions with respect to the promulgation of education for the future, 6332. 6335——Mathematical instruction is given to a great extent in the Madras University, 6336——But it is not in any way applied, 6338——It would be a great stimulus to young men so to follow it up, 6340——Has observed in a very material degree, that at a certain period of life the native character ceases to have the power of development, 6341——Thinks that there is a precocity in their intellectual powers, and a natural deficiency in the powers of judgment, 6342——This falling off in the mental faculties takes place at about one or two and twenty, 6346——It might probably be lessened in a very high degree by opening out a career to them, 6343——Men practically acquainted with engineering would be coveted on all sides, 6348——The practical application of knowledge would not have the effect of forcing into the market persons for whose services there would not be a constant demand, 6349——It would contribute both to their individual emolument, and to the great good of the country, 6350.

Ignorance and corruption exist to an alarming extent among the vakeels and subordinate officers in the courts of law, 6351——Advantages to be expected from a legal education, 6352-6355——A distinct collegiate course of instruction in law is a measure of the greatest importance of any connected with the education of the people, 6356.

Is of opinion that the rules of the Madras University securing the natives from all interference with their religious opinions is essential to the objects of the institution, 6359——Their repeal would detach the most respectable scholars from the school, 6360——Would rather trust to the progress of knowledge ultimately to guide the natives to Christianity than to a more active interference, 6361——But at the same time not interfering with the efforts of those who, independently of the Government, dedicate themselves to that purpose, 6362——Any interference on the part of the Government would excite jealousy and animosity, *ib.*——The Madras Government was adverse to repealing the rules, 6363——Considers that the Madras University was discountenanced by both Governments subsequent to Lord Elphinstone's, 6365——Effect of reducing the fee, 6365, 6366——Objects of the Governments subsequent to Lord Elphinstone's, 6367——Probable reason why the provincial schools were never proceeded with, 6369-6373——The advancement of the natives to higher offices cannot be safely pursued to any extent without further progress in education, 6368——But at the same time elementary establishments on an extensive scale should be introduced for the education of the masses, *ib.*——Education has a great tendency to subvert the distinctions of caste, 6374——There have been no difficulties in the schools arising from the prejudices of caste, 6375——Effect of the introduction of some medical apprentices of the very lowest Pariah caste, *ib.*

Although the effect of the education has been to overthrow their superstition and shake their faith; at Madras it has not made the students avowed Deists, and in many cases Atheists, 6380-6383——The destruction of their creed is in itself a useful approach to the substitution of something better, 6384——But there is danger to be apprehended of it making

Reports, 1852-53—*continued.*

Norton, George, Esq.—continued.

making them doubt the truth of any other religion, 6387——The reading of our religious books merely as sources of information would be regarded with great suspicion if introduced by the Government, 6388.

Nullum Tempus. The maxim is not known in India, and is certain that public rights are occasionally materially sacrificed, *Willoughby* 3250.

O.

Oaths. Oaths are objected to by the Hindoos and by the Mahomedans, *Halliday* 4528——The Queen's Court at Calcutta has exercised its discretion of exempting Hindoos and Mahomedans from taking oaths, *Lushington* 4530——An oath taken on the Koran or Ganges water is more respected than an oath taken without, *ib.* 4504——The natives consider it a crime to take an oath on the Ganges water, *ib.* 4532——A declaration was substituted in lieu of an oath by Act 5 of 1850, *ib.* 4437——Is disposed to come to the conclusion that doing away with oaths has not had any effect on the credibility of evidence, *Halliday* 4529.——*See* also *Evidence. Perjury.*

OFFICERS IN THE INDIAN ARMY:

European.—Satement of the number of European officers to each infantry regiment, *Melvill* 43——The Company's European regiments have a double establishment, *ib.* 45——Except as to the colonel, *ib.*——Statement of the constitution of the artillery with regard to officers, *ib.* 47. The officers were increased in proportion to the numerical strength of the regiments, *ib.* 56——In Lord Clive's time each regiment had only three officers, *ib.* 117——The increase in the number of officers, since 1834, amounts to 1,058 in the aggregate, *ib.* 92——The establishment in 1834 was 4,084, it is now 5,142, *ib.* 93——There is now one more in each regiment than there was before the reduction in 1828, *ib.* 94——Since 1834 the demand for officers for detached employments has increased 508 for the whole Indian army, *ib.* 95——It was computed that five could be spared from each regiment according to the establishment of 1823; in 1834 the average was three and is now five per regiment, *ib.* 96——If distributed rateably the regiments are capable of providing the requisite number, *ib.* 102——The average drain of officers from the Bengal regiments is six, from the Bombay five, and from the Madras three and a half per regiment, *ib.* 104——It is most desirable to equalise the demand, and that object is gradually being carried out, *ib.* 105——The present system of withdrawing them from their regiments has prevailed since 1796, *ib.* 110——A rule has been established about ten years that an officer cannot have charge of a company until he has passed in Hindoostanee, *ib.* 111——Believes that every officer can speak it after three years' service, *ib.*——Officers from Madras and Bombay are mostly qualified in Hindostanee, *ib.* 106——They are obliged to pass in it, *ib.* 108.

By the regulations only six officers can be drawn from each regiment, and not more than three regimental captains, *Melvill* 122——It has been exceeded on emergencies, *ib.* 123——The orders of the Company with regard to the number of officers with a regiment, ought to be particularly attended to, *Cotton* 334——Way in which officers are selected for other than regimental duties explained, *ib.* 343. 349, 350——When selected the appointment is retained until the battalion is ordered on service, when the officer joins his regiment, *ib.* 344——Has known regiments commanded in the field by lieutenants a long time ago, but not very lately, *Pollock* 403, 404——There is a general want of a greater number of officers in the army, *ib.* 443——Both in the cavalry and in the infantry, *ib.* 444——Too many are taken away from the native regiments and put upon the staff and civil duties, *Berkeley* 476——Complains generally of the want of them, *ib.* 487——Each regiment has six captains; in general two are on the staff, two on leave, and only two remain with the regiment, *ib.* 477——The army would be much more effective if the number of European officers was increased, *Viscount Gough* 697——Officers on rejoining their regiments to go on service are of no use, *Napier* 854——The number of officers remaining with the regiments on ordinary occasions is not sufficient, *Viscount Melville* 1349.

Previous to 1835 officers could only retire on the full pay of their regimental rank after twenty-two years' actual service in India; they can now take retiring pay according to length of service or rank, *Melvill* 128——The effect of the change has been most beneficial, *ib.* 133——And has not materially increased the pensions, *ib.* 134——The percentage number of retirements has been much the same during the last twenty years, *ib.* 136. 138——It is less than two per cent., 136——There are now 1,098 officers entitled to retire on full pay, of whom 557 can retire upon the pay of a superior rank, *ib.* 137——The claims of the Company's officers for rewards have been liberally recognised by the Government, *ib.* 140.

The system of purchasing out prevails to a great extent, *ib.* 131——But without the knowledge of the Directors in individual cases, *Melvill* 132——The system should be regulated; it often involves the juniors very much in debt, *Alexander* 992——The expense

Reports, 1852-53—*continued.*

OFFICERS IN THE INDIAN ARMY—European—continued.

of it is about thirteen per cent. on the money borrowed, *ib.* 994. 996——The system of purchasing out the seniors is one cause of the officers being in debt, *ib.* 998.

Statement of the changes which have been made for improving the condition of the European officers, *Melvill* 128-155——They are liable to heavy losses from their bungalows, *Alexander* 999——European officers formerly associated with their men more than they do now, *Pollock* 450——Probably owing to a change in the character of the officers, *ib.* 451——The way in which they have separated themselves from the native officers is most dangerous, *Napier* 832——The remedy is to give the latter equal rank with our own, *ib.*——The dress of the officers ought to assimilate with that of the men as much as possible, *Viscount Gough* 671——Officers in India are dependent entirely upon their own exertions and habits of study for acquiring scientific and general knowledge, *Alexander* 976——Many of them remit money to England, *ib.* 1044——Generosity to relations is the rule rather than the exception, *ib.* 1045.

The Queen's officers in India receive Indian allowance in addition to their British pay, *Melvill* 179——Any system tending to induce them to learn the languages would be useful in increasing their efficiency, *Viscount Hardinge* 2060——A larger proportion of European officers to the native army would probably be advantageous, but if carried much further would seriously increase the military charge, *ib.* 1975——The officers of a European regiment cost 20,000 *l.* per annum; of a native regiment, 10,000 *l.*, *ib.* 1976——The way to increase them economically would be to increase the number of captains; the subalterns are now too numerous, *ib.* 1976. 1978——Many officers are taken away from regiments to command irregular corps, *ib.* 1982——It would be difficult to adopt a system of seconding officers so as not to disturb the proportions existing between the grades in each regiment, *ib.* 1984——If they could be changed from an irregular to a regular corps it might be one means of getting rid of the difficulties of the present system, *ib.* 1988——One additional captain would be a very doubtful remedy in securing regimental efficiency, *ib.* 1976——The proportion ought always to be as it is in the Queen's service——Proportion of captains to subalterns in the Queen's service, *ib.*——Has recommended the Board of Control to strike off six subalterns from the Queen's regiments in India, leaving twenty-four subalterns and twelve captains to ten companies, *ib.* 1978——It would save 15,000 *l.* or 16,000 *l.* a year, *ib.* 1979——Supernumerary officers on returning to England go on half pay until opportunities occur, and then they are brought back to full pay, *ib.* 2071.

Native Officers.—Statement of the number of native officers to each infantry regiment, *Melvill* 44——Never heard of the native officers being transferred from one regiment to another, *Pollock* 461——The number to each regiment is quite sufficient, *ib.* 407——Pay of the native officers in the irregular regiments, *Viscount Gough* 678——In the irregular regiments the European officers associate more with the native officers than in the regular regiments, *ib.* 679——The men in the irregular regiments are most obedient to the native officers, *ib.* 682——In such regiments the native officers are allowed to have bargheers, *ib.*——The native officers of the regular army are very good, though somewhat too old, *Napier* 826, 827——In the irregular corps they are not selected by seniority, as in the line, *ib.* 827——In the line they rise from the ranks by seniority, *ib.* 833——It would require great consideration before giving the native officer equal rank with our own, *ib.* 832——Young and energetic non-commissioned native officers may be dangerous or useful, according to circumstances, *ib.* 836——The influence of the native officer is very great, and is often most beneficially exercised, *Alexander* 1131——He is a very important link between the sepoy and the European officer, *ib.* 1146——His influence is in every way beneficial, and, with proper treatment, there is no reason to doubt the permanence of the loyalty and fidelity of the sepoy army, *ib.* 1147——Instances of the beneficial influence of the native officer over the men, *ib.* 1148.

The system of promotion of native officers in the Madras army explained, *Alexander* 1132——Formerly an undue proportion of them were Mussulmen, *ib.* 1133——The Commander-in-Chief has, in the Adjutant-General's office, a record of every officer's service, and of his claims to distinction, *ib.* 1189——It is necessary to look prospectively to doing more for the native officers, and to find some employment for them out of the service; something to give them more than the present rate of pension, *ib.* 1194——If there was a well-organised police, a number of them might be employed in that way, *ib.* 1196——Grades in the European regiments corresponding to the native officers, *Viscount Hardinge* 2045.

See also *Army. Promotion. Regiments. Staff.*

Old Testament. Is already known to the Mahomedans, *Norton* 6292.

Oordoo and Hindostanee Languages. Are Arabicised and Persianised Hindostanee as distinguished from Hindee, *Trevelyan* 6684.——*See* also *Languages.*

Order of the Bath. Two hundred and thirteen of the Company's officers have received the honour of the Bath, *Melvill* 140.

Reports, 1852-53—*continued.*

Order of British India. Is for native officers of long and honourable service; it is divided into two classes of 100 each, *Melvill* 180–185——Allowance to each class, *ib.*——It is conferred by the Governor-General, *ib.* 185——It is valued by the sepoys, but is hardly so congenial to the native mind as the old system of bestowing shotriums, *Alexander* 1172——It is hardly in the ranks, *ib.* 1172.

Order of Merit. It is for soldiers of all ranks distinguished by personal bravery; is divided into three classes, *Melvill* 180——The number is unlimited, *ib.* 182——It was established in 1837, *ib.* 183——Orders are conferred by the Governor-General, *ib.* 186——It is a noble institution, *Alexander* 1172——In the Madras army some non-commissioned officers and sepoys only have it, *ib.* 1173——The establishment of such an order for civil services would have a very good effect, *Willoughby* 3300——The Order of British India and the Order of Merit were given as a compensation for all such grants as jaghires, &c., *Alexander* 1175.

Order for distinguished Services in the Field. The number is too limited; would double it, and make it for good conduct as a soldier as well as for distinguished conduct in action, *Viscount Hardinge* 2041.

Ordnance Board. Under the Duke of Wellington, as Master-General, was one of the best departments in its constitution; every officer had a separate duty to perform, *Viscount Hardinge* 2032.

Ordnance Department. The supervision of the Ordnance Department rests with the Military Board, *Melvill* 241——They have under them Commissaries of Ordnance, who report to them and receive orders, *ib.* 241——They are European officers of artillery, *ib.* 242——Every magazine has one or two European warrant officers, chiefly from the Artillery, attached to it, *ib.* 243, 244——Also natives in the various branches required in the duties of an arsenal, *ib.* 243.

Ordnance Stores. All the brass guns are cast in Calcutta; the iron guns are cast in England; and all the iron shot is sent from England, *Melvill* 297——The powder is manufactured in India, *ib.* 298——The gun-carriages are made in India, *ib.* 299——Small arms are sent from England, *ib.* 300——But can be altered in India, *ib.* 301——Gunstocks are made in England, *ib.* 305——Shoes are made in India, *ib.* 306——Have not been sent to India for many years, *ib.* 308——The Madras leather, cured at Hoonsoor, is considered to be very good, *ib.*

Oriental Books. Were mere waste paper at the time that there was the greatest demand for books in the English language, *Trevelyan* 6602——Oriental books on religion are partly secular and partly religious, and a knowledge of them is essential to a knowledge of the laws founded on them, *ib.* 6810——The most popular forms of oriental literature are marked with the greatest immorality and impurity, *ib.* 6813 *et seq.*

Oriental System of Education. Was perpetuated by Lord Auckland's minute of 1839, *Duff* 6109——The oriental character of our early efforts for native education accounted for, *Trevelyan* 6592.——*See* also *Education.*

Orphans. Government should adopt some means of providing a home for them, *Keane* 7849——The missionaries provide a home for them near Agra, *ib.* 7851——Was not aware that the Government have such an institution at Allahabad, *ib.* 7852.

P.

Packet Service. Four vessels are generally considered available for that service, *Melvill, J. C.* 1414——Is not aware that the present arrangement has caused any inconvenience to the public, *ib.* 1416——But no doubt inconvenience must be the consequence when war arises, *ib.* 1422——There was no interruption in the transport of the mails during the China war, *ib.* 1423——One continuous contract might be more advantageous in some respects, but from motives of policy it has been considered desirable that the flag of the Company should be constantly seen in the Red Sea and in Egypt, *ib.* 1424——If the Company is ever relieved from the packet service, care should be taken to guard against monopoly, *ib.* 1477.

Has heard of complaints, but the service is not so slowly performed as stated in the papers, *Cursetjee* 1673–1675——The best vessels have been taken for the Burmese war, which is an inconvenience, *ib.* 1679, 1680——Complaints have been made of the difficulty of transmitting goods by packet steamers, *ib.* 1681, 1682——Five boats are generally kept to the service, *ib.* 1739——They start twice a month from Bombay, *ib.* 1726——And rarely fail; not above half a dozen times in eleven years, *ib.* 1727, 1728——The route varies according to the monsoon, *ib.* 1729–1731——The machinery used is equal to the Cunard and Collins lines, *ib.* 1676, 1677——In manufacture, *ib.* 1732——But not in proportion to tonnage, *ib.* 1733——The packets are all wooden vessels, *ib.* 1734——And carry a large swivel gun, *ib.* 1737——Three new boats, very fast, equal to any of the Peninsular and

Reports, 1852-53—*continued.*

PACKET SERVICE—continued.

Oriental Company's boats in the Indian seas have been recently added, *Cursetjee* 1678——Complaints were made of the accommodation at the time when the mails were carried by very small steamers, but not so many since the steamers have been larger, *Powell* 1547——The average speed of the larger vessels is nine or ten knots, *ib.* 1548——And they are built to carry a heavy armament, *ib.* 1553——Is of opinion that the packet service is much better conducted by two parties, *ib.* 1563.

The officer commanding has no special advantage from being so employed, *Powell* 1541——The service is not at all unpopular now, 1537——It has not been unpopular since supplying the table was taken out of the captain's hands, *ib.* 1543——He has now nothing to do with the maintenance of the passengers beyond examining the provisions that are sent on board, *ib.* 1538.

At present the packet service is inefficient and unsatisfactory, *Crawford* 1770——Ought not to be continued in the Indian navy, *ib.* 1823-1825——The main objections to it are the not being able to send goods by the Indian navy steamers, and the liability to interruption in the event of war, *ib.* 1831——The mercantile body also object to Government being charged with the duty, *ib.*——The accommodation is inferior to that of the Peninsular and Oriental Company, *ib.* 1833——Would rather see it in the hands of a mercantile body, provided the public were secured against monopoly, *ib.* 1834——At present there is not sufficient inducement for another company to offer its services, *ib.* 1845——Witness's plan was to have the service performed alternately by the Peninsular and Oriental Company and another company, *ib.* 1846.

See also *Indian Navy.*

Pagoda Endowments. The connexion between the Government and the pagodas has now ceased, *Sims* 8819——The endowments are administered by native trustees, *ib.* 8823.

See also *Idolatry.*

Paper Currency. Does not exist in India, *Trevelyan* 6642.

Papiah's School. Is supported by native funds, *Wilson* 7264.

Parcherry System. Has long existed in the Madras army; it is where the European married soldier has a cottage for himself and family distinct from the barracks, *Alexander* 1232——It was disallowed when the new barracks were built at Bellary about 1844, *ib.* 1236——Objections urged against the system, *ib.* 1238. 1242——Is in favour of the system, as nothing can be more ruinous to a woman's character and comfort than life in a barrack, 1239——Fears that the substitution for a well ordered parcherry will be the multiplication of brothels in the vicinity of barracks, *ib.* 1244.——*See* also *Barracks.*

Parental Academy, Calcutta. Is wholly supported by the half-castes, *Duff* 6244.

Parliament. Should be furnished with the means of habitually acquainting itself with the affairs of India, *Trevelyan* 6882.

Parsees. The Parsee community is in great controversy with respect to the law of marriage, *Perry* 5951——The Parsees freely mix with the Hindoos in the Government schools, *ib.* 5953.

Pasley, Lieutenant-general Sir Charles W., K.C.B., F.R.S. Is a lieutenant-general in the army and an officer of engineers unemployed, 5734——In 1840 was appointed Public Examiner and Inspector of Studies at Addiscombe, 5735——Statement of improvements in the mode of carrying on education at Addiscombe, 5738——Were chiefly with a view to prevent waste of time in the fifth class, fudging or prompting at the examinations, idleness in the lower classes, and for improving the method of discriminating between the qualifications of individuals, 5738——Only one was turned back altogether under the system established; it was when the first term was regarded as probationary; he however turned out of good abilities, and obtained a direct infantry appointment, 5739——Rustication is now substituted for removal in such cases, 5738, 5739——And they always return much better after rustication, 5762——Studies at Addiscombe are chiefly devoted to the military profession, 5754.

In 1848, after the system of written examinations had been adopted for several years, the professors drew up statements of their respective modes of conducting the half-yearly examinations; a statement drawn up by witness was founded upon these reports, and approved of by the military committee and printed, 5769——It has been from time to time modified, but on the whole has worked exceedingly well, *ib.*——Though they do not work at arithmetic at Addiscombe, every cadet is examined half yearly in the whole course, beginning with simple arithmetic, to the point they have reached, 5780——It is difficult to enforce a good handwriting, 5781——The written examinations are conducted and the questions given out by the several professors, who report what numbers the cadets ought to have in solving the questions, according to the system followed at Cambridge; if there is any doubt, the questions and solutions, as entered by students in blank books, are referred to, 5770——The written examination is combined with *vivâ voce* examination, 5775——Fortification, mathematics, and drawing, are in witness's province, 5770——Those who have

Reports, 1852-53 – *continued.*

Pasley, Lieutenant-General Sir Charles W., K. C. B., F. R. S.—continued.

have gone through the engineer and artillery course, are recommended for commissions in those services; the rest for infantry commissions, 5770——All are ranked according to merit, *ib.*——The professors fix the numbers according to rules laid down; complaints of being misplaced seldom occur, 5771——It depends upon the judgment of the professor to a certain extent; a cadet may have a certain number of marks at the half-yearly examination without having done a single question right, 5772——A public examination takes place after the half-yearly examinations, at which the Chairman and Court of Directors preside; it is a sort of show off, at which only such questions are asked as the cadets can answer, 5782.

Cadets are taught military drawing, military surveying, and civil drawing, 5773—— But the time given to surveying is not sufficient to make them perfect, 5776——They are not taught reconnoitring, 5777——Those who get engineers, do it when they go to Chatham, where they join the Royal Engineers' establishment under Colonel Jones, 5778 ——The present infantry course is much superior to the artillery and engineers' course when witness was at Woolwich; the course of education there was then very low indeed, as also in the junior department of the Royal Military College, 5742.

Examination is now required in the case of direct appointment; the East India Company have adopted the same system as in the Queen's service, 5740, 5741——There are excellent schools for preparing young men for Woolwich, the Universities, Haileybury, or Addiscombe 5742, 5743——Cheltenham College is particularly adapted for ascertaining whether a young man is likely to excel in the military or in any other profession, 5742——The mathematical teaching is carried as far as the end of the Addiscombe course, 5744——It is a proprietary school, 5745——And they receive boys at about ten or twelve, 5747——Have had many at Addiscombe, who had been previously at Cheltenham, and they generally stood high; it is a remarkably well managed school, 5749, 5750.

Does not think that it would be advantageous to establish a system at Addiscombe for ascertaining a young man's disposition and genius, and then leaving it to the examiner to decide whether he should go to the civil or the military service, 5751——Thinks it better to keep them distinct, 5753——Recollects one instance only of a distinguished cadet receiving a Haileybury appointment, *ib.*——All who come to Addiscombe wish to have commissions, 5754——Haileybury appointments require more interest and are much more highly prized, 5755, 5756——Does not think that those intended for the civil and military services could be educated together with advantage, 5757, 5758——The system of education at Haileybury would not answer at Addiscombe, 5757——Is of opinion that to educate young men for the military service, there ought to be such institutions as Woolwich, Addiscombe, and Sandhurst, 5760——Many who dislike study and cut no figure at Addiscombe, may turn out very distinguished officers, 5763——Thought the direct artillery appointments, in 1841 and 1846, a bad arrangement, 5765——Was obliged to examine them more leniently than if they had been at Addiscombe, 5767——Witness never was in India, 5759.

[Second Examination.]—Evidence explanatory of former evidence; meant no depreciation of the public examination, or rather inspection, at Addiscombe, 5963.

Patell. Under the native Governments he is regarded as the chief man of his village, but his authority under our Government is so fettered that he seldom acts, *Willoughby* 3132 ——The office is of importance, *ib.* 3287——Many of them are not sufficiently remunerated, *ib.*——A very voluminous correspondence has been carried on on the subject, *ib.* 3291——Many of them are very intelligent men, *French* 9013.

Pattealah. Description of the Government in the state of Pattealah, *Campbell* 3832. 3836. 3839——In exchanging territory the Pattealah vakeel always obtained the consent of the Zemindars before the villages belonging to us were transferred to them, *ib.* 3840——

Patteedaree Communities. Effects of the sale of a portion of the village property upon such a community, *Lushington* 4599 *et seq.*

Paumbum Passage. The deepening of it cost 20,000 *l.*, *Thornton* 7519——The results have been very remarkable; large ships now go through it, 7521——Has been deepened to from 8½ to 10 feet at low water, *Sims* 8836——It is calculated that the saving to the coasting trade is 50,000 *l.* or 60,000 *l.* a year, *ib.* 8839——About 2,000 *l.* more are required to complete the work, *ib.* 8840.

Pay and Allowances. The pay of the Queen's and Company's European infantry is the same; it rather exceeds the amount authorised by the regulations, *Melvill* 48——Table of the pay of European officers in the native army, *ib.* 49——Pay and allowances of a sepoy, *ib.* 65, 66——The pay and allowances of the native troops were equalised in 1837 prospectively, *ib.* 188——Some dissatisfaction was caused in a portion of the Madras army by the change, which was remedied by an arrangement made by the Governor-general, *ib.* 190. 193-195——The equalisation has taken place to a very great extent; it remains incomplete to the extent of about one-sixth of the men in the service, *ib.* 192——The pay of the jemadars in the infantry regiments has been raised during the last charter, *ib.* 196.

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Pay and Allowances—continued.

The pay of officers in the irregular cavalry is much the same as in the regular, *Viscount Gough* 691——The sepoys of the Bengal army remit about one-half of their pay to their families, *ib.* 706——The pay of cavalry, horse artillery, and golundauze, as well as the batta of the whole native army, was reduced in 1836, *Alexander* 1057——The pay of the havildars and naiks was increased throughout the Madras army, *ib.* 1058——The alterations were introduced by the Governor-general under the sanction of the home authorities, *ib.* 1060——An order for putting all the officers of the Bengal army on half batta was issued, and afterwards rescinded, *ib.* 1061——Great excitement has at times been produced by mistakes being made in the allowances to troops going on foreign service, *Alexander* 1087. 1091. 1101——There was great excitement among the European soldiers in 1842, in consequence of incongruities in the system under which the payments were made to them; the matter was brought under the notice of the Directors, and settled upon a just and uniform rate, *ib.* 1114——The sepoy does not care much about the order reducing the pay and allowances when issued; but when the reductions come practically upon them, then they argue that they are contrary to custom, and to their detriment, *ib.* 1106. 1111——Some of the alterations which have been made of late have actually led to increased expense to the state, *ib.* 1192, 1193——Is of opinion that the marching batta and hutting money is not sufficient, *ib.* 1194.

Good Conduct Pay.—Good conduct pay is granted to every sepoy after sixteen years' service, and again after twenty years' service, *Melvill* 196——As an incentive to good conduct it scarcely operates at all, *Alexander* 1170——A year before he is entitled to it, if invalided, he has his pension of four rupees per month, *ib.*——Would recommend giving good service pay, as is done in the Queen's service and in the Company's European service, *ib.* 1171——It has been introduced as a reward, *Viscount Hardinge* 2043.

See also *Officers. Pensions. Sepoy. Staff.*

Pay and Audit Department. Want of simplicity in it throws unnecessary difficulties in the way of the officers and men obtaining what is due to them, *Alexander* 1088——It is part of the civil staff of the army, though the officers in it are all military, *ib.* 1090.

Pegu Mission. Owes its origin to the deportation of American missionaries in 1808, *Trevelyan* 6796.——*See* also *Missions.*

Pemberton Leigh, Right Honourable Thomas. Has attended the hearing of Indian Appeals, as a member of the Judicial Committee of the Privy Council, pretty regularly from 1844 till the middle of last year, 3733, 3734——Reasons for considering an appeal from India to this country very desirable, 3735——Harmony of decision could only be maintained in India by having one general Court of Appeal for all the Presidencies, 3736——There are cases in which the Indian Government have an immediate interest in the decision, and is of opinion that it is important to have an ultimate Court of Appeal in England, independent of Indian influence, 3737-3746——Does not recollect any case that had been appealed for purposes of vexation, 3747——It would hardly be possible to confine appeals to questions of law as distinguished from fact, they are so mixed up together; the facts are generally more disputed than the law, 3750——The committee have the power upon petition to give liberty to appeal, although the case does not come within the rule as to the amount, 3749.

There is great difficulty in dealing with cases on appeal, 3755 *et seq.*——On the whole, is of opinion that justice is as well administered in India as one can reasonably expect, considering the difficulties the courts have to struggle against, 3755——Difficulties specified, 3759. 3773——The greatest difficulty in dealing with cases from India on appeal is, the impossibility of believing one single word of Hindoo testimony, 3757——There is also great difficulty caused by the mode in which the proceedings are drawn up, 3759——There is often great difficulty in disposing of cases which depend upon Indian law, 3761——The courts in India resort to the opinions of their law officers, which are transmitted with the other documents to this country, *ib.*——But they are not regarded as conclusive: indeed they do not always agree, 3761, 3762——Is not aware that there would be any better way of arriving at a decision if the appeal were in India, 3763——Generally about one-third are reversed, 3764.

There might be a convenience occasionally in having a gentleman acquainted with the law in the Mofussil as an assessor of the court, 3767——But nobody should be a member of the Judicial Committee merely because he has been a judge in India; the assistance required may be as well given by assessors, 3769——With regard to the introduction of one uniform code, you must alter the whole system in India before you can do that; their religion, customs, and everything else, 3774——There are no arrears of cases, properly speaking, now before the Judicial Committee, 3781——The cases in general appear to have been sifted with very great labour, and to have had very great attention paid to them in the courts in India, 3784——In respect of evidence, the native courts do not act upon the English rules of evidence, 3785——And what has been received or what rejected, unless a matter of appeal, does not come under the cognizance of the Judicial Committee, 3786——The time to bring a decision to appeal before the Judicial Committee,

Reports, 1852-53—*continued.*

Pemberton Leigh, Right Honourable Thomas—continued.

Committee, if due diligence were used and funds were at hand, could hardly be less than eighteen months or two years; practically it is a great deal more, 3787——Cannot compare the administration of justice in India with the administration of justice in the other colonies; each colony has different circumstances of its own, 3788.

PENSIONS. The sepoy is entitled to a retiring pension, if invalided, after fifteen years' service, *Melvill* 67, 68——But he is not entitled to any pension until invalided, *ib.* 69——The pensions to soldiers from native states are paid in the neighbourhood by the nearest paymaster, *ib.* 89——Amount of retiring pensions, *ib.* 90——The pensions and allowances to widows and orphans of officers killed in action have been greater since 1834, *ib.* 143——The diminution of pensions under the new regulations only affected men entering the service subsequently, *ib.* 193——The pensions for wounds received in action, and to the heirs of native soldiers killed in action, have been increased during the last charter, *ib.* 196.

The pension is our great hold on India; though the establishment is expensive, it is our stronghold of India, *Viscount Gough* 707——A better system of paying the pensioners might be adopted, *Alexander* 1002. 1006. 1009——Would not revert to the system of paying them at the head quarters of divisions, *ib.* 1006, 1007——That diminished very powerfully the good effect of pensioning, *ib.* 1009——Very great frauds exist on the part of persons pretending to be pensioners, 1010——Explanation of the system of pensioning the native troops, and the amount of pensions, *ib,* 1181-1183. 1185——The present system is a great advantage to the sepoy, but a serious detriment to the interests of the service, and a heavy expense to the Government; the native officers are worse off, *ib.* 1184——The new system was first applied to the case of the men drowned in the Golconda, *ib.* 1108.

Orders making changes in pensions are translated and read to the sepoys, and all orders of importance are translated into Hindoostanee, Tamul, and Teloogoo, and hung up in the barracks, *Alexander* 1110——The pension of twenty-five rupees to a soubahdar is insufficient, *ib.* 1195——Pensions for wounds were reduced in 1834, *ib.* 1057——The pensions to native officers were reduced in 1836, *ib.*——Considers that it will create great dissatisfaction when practically felt, *ib.* 1058——Two regiments objected to go to China in 1849, on account of the reduction in the pensions to heirs and for wounds, *ib.* 1068——Difference between the old and new system of pensioning, *ib.* 1056. 1104. 1192——It would require great consideration before making any alteration in the existing system, *ib.* 1056——The pensioning and invaliding system is of the greatest importance; it is the great link by which we hold together the loyalty and affections of the sepoy, *Viscount Hardinge* 2039——He constantly looks forward to it as the satisfactory close of his career, *ib.*——Anything diminishing the pensions, or making the conditions of the service harder, would operate very prejudicially, *ib.*——Remarks upon the effect of some alterations in 1833 or 1834; there are rather more than 50,000 pensioners in the three Presidencies; it is of the greatest importance that nothing should be done affecting the pensions of the native army, *ib,* 2040——It would be a great advantage if the European pensioners could be induced to settle in our colonies with their families, *Alexander* 1265——There are a great many of them in India, *ib.* 1267——Not under any military control, *ib.* 1268.

See also *Pay and Allowances.* *Sepoy.*

Pensions for Wounds and Long Service. Are given in the Indian navy; they are on the same scale as for the army, *Melvill, J. C.* 1445, 1446; *Powell* 1533.

Pergunnah Courts. Or native courts, established in the Saugor and Nerbudda territories in 1831, described, *Caldecott* 5436——How the system was modified in 1836, *ib.* 5440——And again in 1842, *ib.* 5443 *et seq.*

See also *Administration of Justice.* *Courts of Justice, Saugor and Nerbudda District.*

Perjury. The crime of perjury is one of the great blots of India, *Willoughby* 3136——It has increased since the substitution of a declaration in lieu of an oath, *Lushington* 4479——Scarcely a week passes without cases coming before the Sudder Court, *ib.* 4469——Great efforts have been made to discover and punish it, *ib.* 4539——There is great difficulty in obtaining a conviction, *ib.* 4497——Nature of the punishments inflicted upon conviction, *ib.* 4471——No severity would check it among the Chumars, *ib.* 4474——Punishments are found practically ineffectual, *ib.* 4478——Nothing but the moral education of the people will check the prevalence of perjury, *ib.* 4478. 4504.

See also *Evidence.* *Oaths.*

Perpetual Settlement. Was in some degree a measure of confiscation; the territorial rights of the ryots were practically ignored, *Duff* 4250.

Perry, Sir Thomas Erskine. Was Judge of the Supreme Court nearly twelve years, and Chief Justice during the last five years and a half, 2509——Returned in December last, 2510——The Parliamentary investigation in expectation of the renewal of the charter has created a very deep interest, 2512-2514——An association was formed at Bombay for the

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Perry, Sir Thomas Erskine—continued.

purpose of calling the attention of this country to the state of India, 2515——It comprised all the most respectable and wealthy persons at Bombay, 2518——The suggestion of petitioning emanated from the natives themselves, 2520——Also the substance of their complaints, 2521——And the petition may undoubtedly be regarded as speaking the opinion of the majority of the well informed inhabitants of Bombay, 2522-2524.

Has travelled a great deal about India; and paid great attention to the general administration of justice there, 2525, 2526——Opinion upon the general working of the present system, 2529, 2530——Amalgamation of the two systems desirable, 2531——The addition of a professional man to the Sudder Adawlut is indispensable, 2533——Qualification required of barristers and attorneys practising in the Supreme Court, 2539-2542——There is an efficient bar at Bombay, 2718, 2719——The leaders are supposed to make about 5,000*l.* per annum each, 2730——Members of the bar in India have been appointed to the bench in the Supreme Court, 2641——The establishment of an institution in India equivalent to our Inns of Court is desirable, 2544. 2546——The materials are growing up among the natives for a bar of high character, 2548.——The native judges discharge their duties very well, 2549——Their judgments are extremely good, 2550.

Considers the judicial system in the Mofussil as the most defective part of our Indian administration, 2553. 2580——From the incompetence of the judges, 2554——Rather than to the state of the code, 2556. 2558——The evil is, you have to place English judges on a bench to administer law in a language they do not very well understand, 2560——Manner of taking evidence described, 2561, 2562——Another defect is, that the judges are placed as judges of the Court of Appeal, without having acquired any experience in courts of the first instance, 2563-2567——Is of opinion that the remedy depends upon an organic change in the system of Government to be framed in this country, 2569-2572——For it can only be cured by appointing English lawyers to the high judicial offices, 2570——Evidence as to the tendency of such a system, 2574-2582——English judges should administer justice in their courts in English, as is done in the Supreme Court, 2582.

There is a large bar of vakeels in the Mofussil, who are acquiring the English language day by day, 2584——The progress of the knowledge of English in India has been very considerable within the last twelve years, 2586-2591——Suggestions with reference to the disposal of the patronage in India, 2592-2599——Considers patronage as the reason why judicial reforms are laid on the shelf, 2635-2638——Does not consider an examination at school as necessarily testing a man's ability for the public service, 2600-2606——Would recommend choosing all civilians, with the exception of the judicial branch, from the army, 2607——Because there physical qualities as well as mental are looked to, 2611, 2612——Its advantages would be a large field for selection, affording a stimulus to military men to qualify themselves, and it would accelerate promotion in the army, 2622-2627——Considers the army an admirable training, 2630, 2631——The system of sale might also be applied, 2613——Has a very high opinion of the Indian service, both civil and military, 2615, 2616——There is no want of loyalty in it, 2617——Though there is a good deal of indifference towards the mother country, 2618——The objections apply only to the judicial branch, 2619——The service contains many able men, but with too many bad bargains, 2620.

[Second Examination.]—It is extremely desirable that some such code as Mr. Macaulay's Code should be adopted, and would extend it to criminal procedure also, 2644——In Mr. Elphinstone's time an attempt was made to codify the law at Bombay, and up to a certain point it was very successful, 2645——The translation was said to be infamous, 2647——Does not think that the difficulty of translation is an objection applicable to a criminal code, 2656——Effect of the regulations of 1827; 2655——They are continually altered in an objectionable way by circulars from the Sudder, explaining the meaning of the clauses, 2658——Considers the introduction of a code, and other administrative reforms, mainly depends upon power in the Executive, 2657. 2659-2664——A uniform code of civil procedure is one of the most crying wants in India, 2666——Observations upon drawing up such a code, 2670-2677——The Law Commission was a very happily constituted body, 2674——But it does not signify how able the recommendations are, unless you have force in the Government to put them into execution, 2673.

Is in favour of taking evidence orally, 2679——Objections to the written testimony before the zillah judge, 2680——That it would require additional judges is no objection, *ib.*——At present the authenticity of the testimony depends entirely upon the native officers, 2681——Who are of an inferior class, and ill paid, 2682——And are not considered honest, 2684——The Moonsiffs belong to the highest class in India, the Brahmins, 2689——They are not sufficiently well paid, 2688——The proportion compared with the salaries of European judges is about twenty or thirty to one, 2693-2695——Would have no objection to associating Europeans and natives on an equality; but would always secure a preponderating European element in the Sudder Courts, 2696-2706——The Advocate-general is an officer attached to the Bombay Government, 2707——His functions stated, 2708——Grounds upon which the existence of the office is very injurious, 2709-2712——

He

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Perry, Sir Thomas Erskine—continued.

He is regarded as the leading counsel for Government in all cases, 2714——His salary, 2720.

Does not think that the people of India are ripe for any general legislation at present, 2722. 2727——Thinks that a Legislative Council is desirable, and that more power for local legislation should be given to the local governments, 2725-2727.

The expenses of litigation in the Supreme Court are very heavy, 2732, 2733——The fees upon procedure were established at the end of the last century, one rupee being charged upon every occasion, where a shilling was charged in England, 2735——The registrar's fees are very heavy, amounting to five per cent. at Bombay, 2738——At Calcutta he gets three per cent., 2746——The registrar has to give large security to Government, 2747——Since Sir Thomas Turton's case Government have assumed control over the funds belonging to suitors, in the hands of the registrar, and have taken his appointment into their own hands, 2745——The patronage of the officers of the court is in the judges, 2740——The officers are paid partly by salary, but the fees form their chief source of emolument, 2743——The judges in Bombay have power to reduce the fees to a certain extent, but are always thwarted by the patronage in this country, 2762, 2763. 2766——There are no stamp duties in the Supreme Court; the stamp duties in the native courts are very oppressive, 2750——Every paper must be stamped, 2751.

Adheres to an opinion expressed at the Town Hall of Bombay, on the 9th February 1852, that the decisions of the native judges are superior to those of the European, 2753-2755——The experience acquired in a collector's office is extremely valuable in dealing with any judicial point, but it is not a good judicial training for a judge, 2756——Has heard of instances in which ignorance of the habits and feelings of the natives has produced fatal effects, 2758——Some of the noblemen of the Mahratta empire are still exempt from the jurisdiction of the courts, 2759——The judges at Bombay attempted to extend the jurisdiction of the Small Cause Court, but were checked by the Court of Directors, 2764, 2765. 2767-2771——Never heard the reason why they opposed the recommendations, 2773——The provisions of the Act framed on the model of the English County Court Act were disapproved of at Bombay, the old Small Cause Court having been found to answer, 2773——Has doubts as to the legality of the foundation of the New Courts, *ib.*——The Act was approved of by the Board of Control, 2775——The appointment of the new Court gave additional patronage to the Directors, 2777——Objected strongly to the measure in the usual official shape, 2777, 2778——The judges have clerks; they are in the rank of gentlemen at Bombay, 2778-2786——The natives regard the Government as a Government by the English, without any reference to the form; thinks substituting the Crown for the Company would bring with it many advantages, 2787-2796.

Punchayets are very well suited to a simple state of society; is of opinion that they are not applicable in Bombay; though they are called in with advantage in cases involving mercantile accounts, there is no legal power of enforcing their decrees. 2797-2803——There are many cases in which the Parsees refuse to submit to the decisions of the Punchayets, 2798. 2807——All criminal procedure at the Presidency is conducted by jurors, 2804——The jury system did not answer in Ceylon, 2805——Though it is said to have been tried usefully in Assam and Tenasserim, 2806.

[Third Examination.]—As President of the Government Board at the Presidency of Bombay, had daily opportunity of observing the whole working of the system of education, 5879——It is intrusted to a board composed of natives and Europeans, which answers extremely well, 5880, 5881——Duties of the board described, 5882——Income and expenditure of the board for 1851; 5883——The number of pupils in 1852 throughout the whole of the Bombay Presidency was 13,737; 5884——There are also many missionary schools at the large stations, 5887.

There is one main division of the schools, namely, those in which English chiefly is the medium of instruction, and those in which the vernacular languages are used, 5889——Character of the instruction given described, *ib.*——There are great facilities for the diffusion of education in India, arising from the tendency to education throughout the country, and the economical terms upon which teachers are to be obtained, 5891——There is great difficulty in translating our standard works into the vernacular, 5893——The system of introducing English literature by means of translations is so very slow, that the other course of teaching the natives English appears very preferable, 5895, 5896——The Brahmins have no dislike to teaching in English, 5904——There is great demand for English education, 5896. 5938——Statement of the different opinions held in India upon the subject of education, 5898——Considers the mixed system of education the best, 5899.

The obstacles to education are the prejudices and ignorance of the natives, and the lukewarmness of the Government in refusing pecuniary support, 5900, 5901——The efforts of the Government Boards of Education should be directed to make the schools self-supporting as much as possible, 5903——Does not think that the existence of four classes in India, holding different views upon the subject, ought to act as an obstacle to

Reports, 1852-53—*continued.*

Perry, Sir Thomas Erskine—continued.

Government supplying funds, as it has decided in favour of one system, 5905——The Government Boards are all unanimous in the system which they recommend, 5906——Colonel Jervis is at the head of the vernacular party, 5907——There is no book reading public in India, 5927——And there is no demand for the production of works in the vernacular tongue, 5928-5930.

In applying the funds granted for education, the Home Government directed that the upper classes should be principally applied to, 5908——Those who attend the schools, though of good families, are generally very poor, 5919——What classes may be deemed influential, 5908——None of the castes are excluded by any distinct rule, but the despised castes are excluded by the feeling of Hindoo society, 5909——Never heard of pilfering committed by the low castes, 5913——Opinion as to the effect of education, though perhaps liable to bias, is certainly most favourable, 5914——Its effect is to break down the spirit of caste, and create a public opinion among the educated classes, *ib.*——Its tendency is decidedly to introduce a higher tone of morality, *ib.*——The remarks do not apply to those educated in the vernacular, 5915——The efforts made among the old Mahratta noblemen and young chiefs and rajahs have not been very successful hitherto, 5921——The means required for diffusing education in Bombay are, first, an increased pecuniary grant, and, secondly, selection of the natives who distinguish themselves for the higher posts, 5943.

No religious education is given in the schools under the Government, 5931——And the question has never produced difference of opinion in the educational controversies at Bombay, 5932——The missionary schools all teach religion; it is their distinctive character, 5933——They are all taught from the Bible, 5935——Is in favour of the Government system in a country like India, 5933——There are sixty-five vernacular missionary schools in the Bombay Presidency, 5934——Are generally attended by the poorer classes, 5937——The preference is very great for the Government schools, 5939——The larger number of pupils in the missionary schools arises from the non-existence of Government village schools, 5940——In the Mofussil the missionaries get Brahmins to act as schoolmasters; the best men they can find, 5941——The conversions resulting are very few indeed, 5942.

The Indo-British is not an educated class generally; it is not a flourishing class, 5944-5948——There has been a considerable movement in favour of female education of late years, both in Bombay and in Bengal; in Bombay the heads of the movement are of the Brahmin class, 5949——Plurality of wives does not exist largely in India, 5950——Two wives is an exception, 5951——The law of marriage among the Parsees is in a very unsettled state, *ib.*——The Parsees freely mix with the Hindoos in the Government schools, 5955——It would be very desirable if they could be induced to mix in European society; has tried very hard to persuade them, 5957——A Brahmin Hindoo would be turned out of his caste for dining with a European, 5961.

Persian Gulf. There is generally a sloop of war with a brig and schooner in the Persian Gulf, *Powell* 1622——Very seldom hear of piracy in that quarter now, *ib.* 1623——The native vessels from the Persian Gulf are principally owned, commanded, and manned by Arabs, *Crawford* 1803.

Persian Newspapers. At the courts of the native princes, reflected the prevailing Mahomedan opinion; some were very rebellious, *Trevelyan* 6877——They were of very great use in showing what was afloat in the native mind, *ib.* 6878.——*See* also *Press.*

Petitions. In India any petition may be got up, if the heads of the caste can be got to sign it, *Willoughby* 3168.

Petty Jurisdictions. Are in themselves a very great evil, *Baillie* 4034.

Pilotage Establishment, Bengal. Is a Government establishment; attempts to make it a voluntary establishment have not succeeded, *Melvill, J. C.* 1499——The receipt is about four lacs of rupees, and the expenditure about seven lacs annually, *ib.* 1505.

Pilots. They have very good pilots at Calcutta, *Herbert* 1964.

Piracy. Is not aware that it now exists in the Indian seas, *Cursetjee* 1710.; *Crawford* 1782.

POLICE:

The civil police is utterly inefficient for the purpose of preserving peace; has heard that it is very oppressive, *Napier* 919——The police is not in a satisfactory state, *Halliday* 3562——Suggestions for increasing its efficiency, *ib.* 3599——Suggestions for improving the administration of the police in the country, *Hawkins* 4387——Difficulties in the way of improving it stated, *ib.* 4366——The whole system is one which does not work efficiently or well, *ib.*——It has operated injuriously on the native character, *Duff* 4224——The interference of the police in cases of petty theft was found so exceedingly disagreeable to the people, *ib.*——That the Act 2 of 1832 prevented them from interfering unless the

Reports, 1852-53—*continued.*

POLICE—continued.

the party robbed petitioned in writing, *Lushington* 4420——The civil police, consisting of sebundy and peons, are partly clothed by the Government; they are very inefficient, *Willoughby* 3128——The ordinary police is provided for by the Government directly, *Halliday* 3566——In the towns taxes are levied for the purpose, *ib.*——The police are not sufficiently paid, *Hawkins* 4367——The police of each zillah is under the collector and magistrate, *Willoughby* 3120——The magistrate appoints the inferior grades, *ib.* 3124.

The police system works well at the Presidency, but the magistrate requires more power, *Hyder Jung Bahaudoor* 4741——Police system in the Mofussil, *ib.* 4743-4746——Life and property are safe under the Mofussil system, but not so much so as under the Presidency police, *ib.* 4747——An efficient system of police in the Lower Provinces is unattainable so long as the village watchmen continue on their present footing, *Halliday* 3573——The treatment of the natives of Bengal by the police is not satisfactory, *ib.* 3609——They are oppressive and extortionate, *ib.* 3610——But not to the same extent in the Upper Provinces, *ib.* 3612——Evidence as to the abuses of the police relates to the Lower Provinces of Bengal, *Hawkins* 4403-4407——The abuses exist to a greater degree Bengal than elsewhere, *ib.* 4405——The fault lies not so much with the Government as with the system and the agents, *ib.* 4408——Statement of the recent changes which have been made in the police system, *Willoughby* 3120——It is not so efficient in Bombay as could be wished, *ib.* 3105——Its constitution and management varies in different districts; it is now under the supervision of the Government, *ib.* 3107——It is a great defect that we have neglected too much the native institutions and establishments, *ib.* 3108.

The police system is not efficient, *Torrens* 8427——The defects are the want of integrity and energy among the native police, the little assistance afforded by the natives to the police, and the general readiness to commit perjury, *ib.* 8428——The extent of the districts under the magistrates ought to be reduced, *ib.* 8429——To use the resident landlords in aid of the police would be attended with considerable risk, *ib.* 8433——Considers the arrangement, under which the magistrate is the head of the police of the district, objectionable, *ib.* 8430——The confusion of the two duties renders interference on the part of the Government, which might be fairly exercised in the one capacity, improper in the other, *ib.* 8474——And the magistrate cannot so dispassionately consider the evidence if he exercises the united duties of police officer and magistrate, *ib.* 8485——The magistrate appoints the subordinate police officer, subject to the veto of the superintendent of police, *ib.* 8489, 8490——Generally speaking, it is quite a lottery who are selected as the very subordinate police, *ib.* 8491——Thinks that the candidates appeared in too great numbers to be put forward by the native officers, *ib.* 8493——Generally selected the most athletic looking, *ib.* 8496——Has constantly been obliged to dismiss them, *ib.* 8498——They were inefficient, 8499-8501——With regard to the subordinate police, the deficiencies of the system are general, *ib.* 8502——Deficiency of pay is also an objection, *ib.* 8505——Increased European superintendence would improve the police, *ib.* 8503——The police have swords and shields provided by themselves, *ib.* 8509.

Is of opinion that the police was worse when witness left India, even than, from all accounts, it is now, *Macpherson* 8664——The police at Moorshedabad were considered very inefficient, *ib.* 8671——Was constantly hearing of serious losses and dacoities, *ib.* 8673——One of the first steps towards rendering the police of Bengal efficient, would be employing the up-country people, the Rajpoots, as police; they have been objected to, but considers they would do more good than harm, *ib.* 8677, 8678——The up-country burkandazes employed by the shroffs and merchants are finer men than the sepoys, *ib.* 8680——In the Lower Provinces the defects of the police are such that a man is almost entirely obliged to rely upon private parties for his security, *ib.* 8683——Believes the inefficiency of the Bengal police owes its origin to the small amount expended upon it, *ib.* 8685——The military might be better employed in aiding the police than in escorting treasure, *ib.* 8686——The pay of the Bengal police is about four rupees a month; it is a small consideration with him; he would be happy to take the work for nothing, *ib.* 8687——Pay, &c. given by the shroffs, *ib.* 8688, 8689——To a certain extent would give the police a military organization, *ib.* 8693. 8699——And have a superior class from the up-country, *ib.* 8693——Would strongly advise employing any efficient person willing to take service for superintending a portion of a district, *ib.* 8693. 8694——The provincial battalions were all over Bengal at one time; on the whole, they were scarcely worth the expense, 8698.

Police Officers.—Statement of the separate ranks and pay of each grade, *Halliday* 3564——At all stations you must have a certain number who understand the language of the people, which in Bengal is equivalent to saying, men corrupt, cowardly and untrue, *ib.* 3587——Complaints are often made of the misconduct of the police officers, *Hawkins* 4376——How such complaints are investigated by the magistrate, *ib.* 4378——Has known the police convicted both of actual misconduct and of negligence, *ib.* 4379, 4380——Non-commissioned officers of the army have rarely been employed in the police, *ib.*

Reports, 1852-53—*continued.*

POLICE—Police Officers—continued.

4395——Is doubtful whether they would be efficient as darogahs; they might be employed as gaol darogahs, *Hawkins* 4396——The Darogah, or tannahdar, is the chief of the police immediately under the magistrate; his duties and pay, *Halliday* 3564; *Hawkins* 4368——He is the chief man connected with a police station, *Duff* 4224——He is selected by the magistrate, and has much to do with the appointment of the burkandazes, *ib.* 4232——Instances of his oppression and corruption, *ib.* 4225——So great was the mischief caused by his visits, that Lord William Bentinck passed a law declaring that when burglary was unaccompanied with violence, the sufferers were not under any legal obligation to reveal what had taken place, *ib.*——In deference to the strongly-expressed sentiments of respectable natives of Bengal, the name should be expunged, *ib.* 4231——You can have no sufficient control over him, *Hawkins* 4366——He and his assistants are underpaid, *ib.*——The Mohurur is an officer in the police under the darogah, *Halliday* 3564——Duties and pay of the jemmadar in the police, *ib.*——Kamahvishdars are appointed by the Government on the magistrate's recommendation, *Willoughby* 3124——Burkandazes, or constables; their pay, *Halliday* 3564. 3574——They are appointed by the magistrate; and how selected, *Halliday* 3581-3587——Are generally a very poor race, *ib.* 3586——There is no corresponding class at Bombay, *Willoughby* 3130.

Military Police.—A very strong police force might be formed by employing a small portion of the persons attending private families, such as peons and chuprassies, &c. *Napier* 928——By substituting a military police for the civil police, the troops might be more concentrated, *ib.* 918——The military police in Scinde was 2,000 strong, *ib.* 923——They were divided into three classes, mounted police, rural police, and city police, and were fully equal to their work; the only difference was in their arms, *ib.* 925——Believes that the expense of the Bombay civil police compared with the Scinde police was about twenty-five per cent. to fifteen per cent., *ib.* 926.

Remarks on giving military organization to the police; a military police in a newly conquered country is both necessary and useful, but doubts if it is politic or useful in the old Regulation Provinces, unless the Government is to be carried on under a military form and organisation instead of by a civil one; you do not require such a force in the old Regulation Provinces; that is very much the opinion of the magistrates and civil officers, *Viscount Hardinge* 2080——Lord W. Bentinck put down sixteen battalions of military police or local corps of the same description, *ib.*——If there is to be a continued system of civil government as contradistinguished from military government, the police ought as much as possible to be on the system of the Irish police, *ib.*——The irregular corps employed as military police on the whole have answered well, *ib.*——On the second crossing of the Sutlej they were employed in keeping order in the rear, 2083, 2084.

Require to be demilitarised; they are inefficient as a detective or preventive police, *Willoughby* 3122——They are equipped by Government, *ib.* 3127——In the present state of Bengal a military police would be the greatest boon and benefit, *Duff* 4230——Military organization would be very useful in districts where affrays abound, *Hawkins* 4369.

Village Police.—Village responsibility is more efficiently enforced in native states, *Willoughby* 3116——It affords great security for life and property, *ib.* 3118——Practically we have impaired the efficiency of the village police very much, *ib.* 3109——Native police system described, *ib.* 3131——In Bundelcund matters were always left in the hands of the village police for some days, with injunctions to find the criminal, which they rarely failed to do, *Halliday* 3578——They generally brought up the right person, *ib.*——Always found the police more efficient in districts where the village system exists, *ib.*——Statement of the number of the village police in Bengal, *Duff* 4234——By habit and repute, and in the estimation of the natives, they are professed thieves, *ib.*——The expense of the system is about 600,000 *l.*, and it should be broken up as soon as possible, *ib.*——The expense would not appear in the expenses of the Judicial Department, because the villages pay it, *ib.* 4259——Suggestions for improving the system, *ib.* 4236; *Hawkins* 4370——Might be made more efficient, *Hawkins* 4370——Objections to it as it is at present regulated, *ib.*

Plan for restoring the village watchmen suggested, *Halliday* 3568——In the Lower Provinces they are a mere burden on the community, *ib.* 3564——They are paid by local taxation, *ib.* 3565——The zemindars have full power of appointing or dismissing them, *ib.* 3569——In many instances they are kept up by the zemindars for revenue purposes, *ib.* 3570——Their right to land can very rarely be traced in Bengal, *ib.* 3576——Payment of chokedars by land in the Lower Provinces is now very rare, *ib.* 3576——Chokedars are appointed by the villagers themselves; it is part of an ancient municipal institution, *Hawkins* 4371——They receive three or four rupees a month, or ought to do so, *ib.* 4391——The chokedar is taken from the lowest grades, and is about the worst paid of any public functionary, *ib.* 4370.

Political Agents. Would do a great deal more good with their regiments, *Napier* 897——They are sent to command general officers before they know how to command a company, and

Reports, 1852-53—*continued.*

Political Agents—continued.

and do a great deal of mischief, *Napier* 897——The political agent is not under the orders of the officer commanding in the field, *ib.* 898——His power should be restrained, *ib.* 899 ——The political agent attempted to interfere in the Kohat Pass; he did burn a village against the wish of the Commander-in-Chief, *ib.* 900-905. 907, 908——Lord Ellenborough put a stop to it in Scinde, or the army would have been lost, *ib.* 906.

Political Department. Training in it would not fit a man for the revenue and judicial departments, *Trevelyan* 6588.

Political Economy. Amount of knowledge in it required from the students at Haileybury, *Rev. H. Melvill* 4839——The papers on law and political economy have been exceedingly well calculated for the instruction of the young men, *Campbell* 3918.

Pollock, Lieutenant-General Sir George, G.C.B. Witness commenced his career as an artillery officer, 372——There is a great deficiency in artillery officers, 373——The establishment is not large enough; not enough officers to perform the duty, 376——There ought to be five to a troop of horse artillery, 378. 383——Of six guns, 379——But there are seldom more than two or three, 377. 379——There ought to be a captain, two first, and two second lieutenants, 380——Is of opinion that the artillery has suffered in the field from paucity of officers, but it has been so for forty years, 384——Witness believes that the Company's regulations are attended to, but has not been with the artillery for the last twelve or fourteen years, 386——A lieutenant often commanded a whole battery of six guns, 387——Is of opinion that an increased number of men, Europeans, is required, 388-390——As far as money is concerned, natives are cheaper, 391——And are exceedingly good soldiers, 392——The artillery is the most efficient part of the native army, 393 ——We meet the native princes more on equal terms with artillery, than any other part of the army, 395——Their infantry is of little value, *ib.*——Never knew an instance of an artilleryman leaving his gun, 396.

Has commanded a division, 397——And considers the Bengal troops very efficient, 398 ——They are not sufficiently officered by Europeans, 399. 443——Every company ought to have a captain, 399, 400——Has known regiments commanded by lieutenants, 403—— But not very lately, 404——The men did their duty very well in Affghanistan, but thinks that they would have been better with more officers, 405——The number of native officers is sufficient; there is a subadar and a jemadar to every company, 407.

Witness cannot say much for the Commissariat; the system is bad, and Government plundered; there is no control over the Commissariat in marching, 408——Instance of native contractor attempting to bribe a commissary, *ib.*——Almost all is left to the native contractor, 409——There is no check upon them; they do what they like, 409, 410——European commissaries are appointed by the Government in India, 411. 413—— They are generally taken from the army; must know and thoroughly understand the languages, 412——They have to rejoin their regiment whenever it goes on service, 414 ——And an officer from some other regiment not on service is appointed to act as commissary, 415——Does not think that an officer rejoining his regiment is inefficient for regimental duties, 417——A Commissariat officer with the army in which his own regiment is serving, continues to serve as commissary; but he would join his regiment in case of an action occurring, 418.

Believes the contractors are appointed by the Military Board; cannot say much for the Military Board, 419——It is composed of two paid, and two *ex officio* members; the one being the commandant of artillery, the other, the chief engineer; the commissary-general is also a member, 420——Are not all military men; at one time the chief magistrate at Calcutta was a member, 421——The Board is stationary at Calcutta, and appoints the Commissariat agents, 422——The commissary-general is an officer in the service, 423 ——Does not know how the contractor at Peshawur or elsewhere applies to the Military Board, 424——A great inconvenience arises from delay in answering references to the Military Board, 425——There is little chance of a thing being done in time, unless it is done at once on the responsibility of the commanding officer, 426——Was not aware that the Madras army is not under the Military Board, 427——Witness thinks that the officers are capable of undertaking the Commissariat, 428. 438——A civilian would not have the same authority with the army, 439——Or be equally respected by the colonels, 440—— The same commissaries supply the Royal troops, 441——The native agency is bad, 428 ——There ought to be more good non-commissioned officers, *ib.*——Would have men from every regiment to superintend the feeding of the cattle, *ib.*——Instead of three seers a day, the cattle often would not get one seer, 428. 434——A seer is two pounds, 435 ——You cannot get rid of native contractors altogether, 429——Recollects a large sum being offered for the situation of gomasta, a native contractor, 430.

Troops in the field are supplied by the commissaries with rations, 432——But a soldier may take his money instead, and buy his provisions in the market; they generally take the provisions, 433——It was frequently difficult to obtain the supplies, even if the contractors were honest; but the provisions were paid for, whether supplied or not, 436.

Reports, 1852-53—*continued.*

Pollock, Lieutenant-General Sir George, G. C. B.—continued.

Cannot give any information about the medical staff, 442——There is sometimes a deficiency of medical officers with native regiments, 463——Cannot recollect an instance where there has been no European medical officer with a regiment, 464——Except in the case of a regiment marching from one station to another which had not a medical officer, *ib.*——But then an apothecary was sent, *ib.*——Apothecaries are generally half castes, 466——They are now educating natives as medical men, *ib.*——And has heard that they show considerable aptitude for their profession, 467. 469——They should participate in the advantages of their profession, 469——Europeans have consulted native officers in the absence of European medical men, 470.

Irregular cavalry have only three European officers to each regiment, but have always behaved well, 444——Witness considers European officers at the head of great importance, *ib.*——They are a better class of men than the regular cavalry, 445——Principally Mussulmen, 446——They dislike our saddles, *ib.*——Their superiority may be partly owing to the native officers rising to a higher rank than in our service, 447——Does not consider them superior to the regular corps, 448——The regular cavalry in Scinde behaved admirably, *ib.*——No cavalry could be better than that under Lord Lake, 449——Thinks the officers associated more with the men then they do now, 450——Hardly knows what to attribute the change to, unless to a change in the character of the officers, 451——Perhaps they think the natives niggers, *ib.*——Believes the officer in command has the same influence with his regiment as formerly, 452——It is much the same as it always has been, 453.

The commander of a native regiment has the appointment of native officers in so far that he recommends, and his recommendation is always attended to, 454——Never experienced a disposition in the Adjutant-general's Office to listen to appeals, 455——Witness commanded a native battalion from 1830 to 1838; 456——But not since, 457——Appointments are now made less according to seniority than formerly; merit is in some way rewarded, 458——The general rule was seniority, but it has been much broken through lately, 459——A man must read and write, *ib.*——When a vacancy in a native regiment occurs, a letter comes from the commanding officer, giving a list of the three senior officers, if any one should be fit; if they are not fit, they are passed over till he comes down to a non-commissioned officer, and then he recommends him; never knew a native officer transferred from one regiment to another, 460, 461——Or from one regiment to a higher position in another regiment, 462.

Polygamy. Does not exist largely in India, *Perry* 5950.

Poonah. The old Mahratta noblemen live there in great numbers, and many of them signed the Bombay Petition, *Perry* 2519.

Poonah College. Hindoo law is included in the course of study, *Willoughby* 3283——It is supported by private endowment, *Thornton* 6009.

Poonah Horse. Cost about thirty rupees a month for man and horse, *Cotton* 353.

Powell, Captain Frederick Thomas. Has served in the Indian Navy nearly thirty years, 1509——The ranks of officers in the Indian Navy are very nearly analogous to those in the Royal Navy, 1511——The vessels are classed as first, second, third, fourth and fifth rates, 1512——A captain of a second rate in command gets 800 rupees a month, a commander 700, *ib.*——The captain has 400 rupees and the commander 300 rupees a month half-pay, 1513, 1514——An able seaman has 20 rupees a month, and in war is allowed prize-money, as in the Royal Navy, 1516, 1517——Officers on half-pay may reside anywhere in India on obtaining leave, 1520——Their furlough is similar to the army, 1521——Since the last naval code courts-martial are almost always formed of officers in the service, 1518——An officer of the Royal Navy with the Indian allowance would receive more than an officer of the Indian Navy commanding a vessel of the same class, 1522, 1523. 1545——The Admiralty has no cognisance of the Indian allowance; it is the gift of the Indian Government, 1524——And has reference to the size of the ship as well as to the officer's rank, 1546——There is a corps of natives embodied to serve afloat, 1525——They are of all castes, 1526——They are extremely well-behaved, and serve very well, 1528-1530——About one-third of the crews are natives, except when on active service, 1532. 1597——They amalgamate very well with the Europeans, 1598——They have petty officers among themselves, 1599——How appointed, 1600, 1601——Generally they discharge their functions very well, 1602——Have not the physical power that the European has, 1603——Very seldom take Malays if other Indians can be had, 1606.

On going on active service, the natives are removed out of the ships ordered for service into other ships, and the Europeans in those ships are transferred to the vessels going on service, 1607——On the Calcutta side some vessels were reduced almost entirely to a native establishment, 1609——At times European seamen are difficult to procure; high bounties have been paid to them to join the Bengal marine, 1610.

The scale of pensions for wounds and long service are the same as for the Indian army, 1533——The service was formerly unpopular, but since it has had a martial law of its own

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Reports, 1852-53—*continued.*

Powell, Captain Frederick Thomas—continued.

it has been very popular, 1534, 1535——It was unpopular when steam was first introduced, chiefly from an idea that the service would be changed from a war to a packet or transport service, 1536——The packet service is not at all unpopular now, 1537. 1543——The officer in command has nothing to do with the maintenance of the passengers beyond examining the provisions sent on board, 1538——The officer in command has no special advantage from being employed in the packet service, and is often put to great inconvenience, 1541, 1542——There were complaints with respect to the accommodation when the mails were carried by small vessels, 1547—— The average speed of the larger vessels is between nine and ten knots, 1548——They are built to carry heavy armament, if required, 1553——But it does not interefere with their speed, 1556.

Is of opinion that at times there would be want of occupation for the Indian Navy, if it were to cease to have any connexion with the packet service, 1559——The duties of the Indian Navy might be performed by the Queen's Navy, but the expense would be very much greater, 1562——Is of opinion that the packet service is much better to be conducted by two parties, 1563——And that the East India Company by running packets have prevented the Oriental packet service raising their fares, 1566——The objections to divesting the Company of any concern in the packet service are the want of employment for the Indian Navy in time of peace and the danger of monopoly, 1569—— The East India Company would save by it; their expenses far exceed the 50,000*l.* a year paid to them by Government for the service, 1571, 1572——The 50,000*l.* a year would not be a sufficient inducement to them to continue running vessels if the mails were transferred to the Oriental and Peninsular Company's vessels, 1573-1578.

The officers in the Indian Navy are, in the first instance, appointed by the Court of Directors; they are called volunteers to the Indian Navy in this country, but on arriving in India are designated as midshipmen, 1579——Since the introduction of steam they are obliged to furnish a certificate from some factory of a general knowledge of the steam engine before leaving this country, 1581——And in India must pass in seamanship, navigation, and gunnery before they can be promoted to be a mate, 1582——The superintendent of the Indian Navy has the ordering of the committee for their examination, 1584——The chief supply of coal is derived from England, 1586.

Nature of the employment of the Indian Navy on the Indus, 1587——All the steamers on the river belong to the Company, 1588——It is navigable at all seasons as far as Mooltan and Kula Bagh, 1589——Thinks it impracticable to navigate higher, 1590.

Believes that the Calcutta marine during the China war gave some little trouble from not being under martial law, 1593——It could not be embodied with the Indian Navy without doing some injustice to the officers of that service, 1594——Modes adopted in the Indian Navy for rendering the service more healthy and comfortable to the crews, 1614 *et seq*—— Attributes the greater healthiness of the men in the Indian Navy, when compared with the Queen's, to allowing the men to sleep on deck under awnings, 1618——Never attempted forcing air into the ships, 1619, 1620——The thermantidote might be employed, 1629-1631.

There is generally a sloop-of-war, a brig, and a schooner cruising in the Persian Gulf, 1622——Piracy is seldom heard of now in that quarter, 1623——It most frequently happened during the pearl fishery, *ib.*——Between 20th of May and 20th of September, 1624——Each grade of officers in the Indian Navy is junior to the same grade in the Royal Navy, 1632——When acting together, Indian officers are ordered to place themselves under the officer of the Royal Navy who may be the senior, 1633——The number of officers is not sufficient; private individuals have been admitted to fill up vacancies; the Indus steamers are commanded by volunteers from the merchant service, 1634——They hold warrants as masters and second masters, 1635——If the whole of the officers were present for duty in India the number would be sufficient, 1637——The number of ships in commission in time of peace and in time of war is nearly the same, 1638—— Setting aside the packet service, there would be sufficient employment, in time of peace, for the number of vessels now in commission, 1643.

In India you can carry about a man per ton, but not in the wet season, 1654, 1655—— The men sleep on deck under awnings, 1656——But a long voyage could not be taken without danger to the health of the troops, on account of the quantity of baggage, 1657——On the Indus a flat and a steamer can take the wing of a European regiment, *ib.*——But then the natives would sleep on shore, 1658——With a flat in tow, was about eighteen days going up to Mooltan, 1664——Had not much difficulty in navigating the vessels, 1665——The Indus shifts more than the Ganges; has known it to shift eight or nine feet in twenty-four hours, 1667——The pilots are stationed thirty or forty miles apart, 1668——They were quite sufficient, two at each station, one up and one down, 1669.

Presidencies. They differ so much from one another that an Act which is good for Bengal may be inapplicable to Bombay, *Perry* 2722——Each Presidency has three courts; the magistrates' court for trying petty criminal cases, the small cause courts, and

Reports, 1852-53—*continued.*

Presidencies—continued.

the Supreme Court, *Hill* 2103——There are certain restless, discontented natives at each Presidency who are known at home under the name of grievance-mongers, *Duff* 6137.

See also *Calcutta. Courts of Justice. Bengal. Bombay. Madras. North-western Provinces.*

PRESS. Freedom of the press was permitted by Lord W. Bentinck, *Trevelyan* 6650——He first established it, *ib.* 6870——Approves of the measure, and of Sir Charles Metcalfe's measures on the subject, *ib.* 6651 *et seq.*——Opinion in India was in favour of it, *ib.* 6657——Objections to it answered, *ib.* 6870——Advantages of a free press, *ib.*——Instance of the public interests being subserved by freedom of discussion, *ib.* 6662——As a general principle there should be free interchange of opinion between Governments and their subjects, and that may be attained in India by free discussion in the public papers, *ib.* 6870——Even under a despotism it might be useful to Government, 6873——It is very effective as a moral police over the public functionaries of all kinds, *ib.*——The existence of native newspapers would not vary opinion in its favour, *ib.* 6872——The only real objection to the free press in India is, that it has no proper information on the subjects of public interest, which it is the business of the press to discuss, *ib.* 6879——The misrepresentations of Government in the press should be grappled with, *Willoughby* 3199——The Government ought to watch the press and see that the liberty of it is not abused, 3203——The native press is a very curious problem; they discuss Government measures with remarkable freedom, and even scurrility; does not apprehend danger from it, and believes that any attempt to put it down by absolute prohibition or censorship to be out of the question, *Halliday* 3694——There is great difficulty in the choice of means to meet the evil, *ib.* 3715.

Native Press.—The first Bengalee newspaper was started by Mr. Marshman, *Marshman* 5019——It is of very recent origin in Bengal, *Duff* 6221——Evidence as to the number of native newspapers in Calcutta, *ib.*——The native gazettes in the Mofussil are published in all the leading native languages, *Halliday* 3691-3693——The native press has been improving in its literary character, year by year, *Duff* 6221——It has improved, *Trevelyan* 6872——The native press has but a very small circulation, *Halliday* 3695——Its circulation as yet is but limited, *Duff* 6221——The native newspapers circulate a good deal about the Sudder stations, and more or less among zemindary families and their agents, *ib.* 6224——Principally in Calcutta, and in its immediate neighbourhood, *Trevelyan* 6874——But not much in the country districts, *ib.* 6876——In the Upper Provinces their average circulation is fifty-three copies, *Wilson* 7257——At Bombay they have no extensive circulation beyond the Presidency, *Willoughby* 3195——Some of them deal rather acrimoniously with European politics, *Duff* 6222——They occasionally compare our rule with that of Mahomedan and native princes in no friendly feeling towards the British Government, *ib.* 6228——Some of their translations of European publications are of an objectionable nature, *ib.* 6223——They are generally of a very humble character, harmless, *Wilson* 7258——And inoffensive, though now and then abusive, *ib.* 7259.

The press in India does substantially and effectually represent the feelings of the natives, *Trevelyan* 6661——In the way in which an advocate represents the interests of his client, *ib.* 6665——It will always represent the actually existing state of the public mind, *ib.* 6872——It is read by those classes who are able to read their own vernacular; not much by those who have received a superior English education, *ib.* 6874——Native newspapers at Bombay are printed in Marathi and Guzerati; the Parsees have papers of their own, *Wilson* 7270.

Principal Sudder Amin. The office was established in 1835, *Hill* 2149, 2150.

See also *Judges.*

Printing. There are several presses at Lucknow, *Wilson* 7255——They print their own standard works, chiefly controversial books and newspapers, *ib.* 7256——At Madras, the presses are numerous, and very active in printing translations from the Sanscrit into the Tamul and Teloogoo, *ib.* 7265.

PRISONS. The gaols are not in a satisfactory condition, especially in the Lower Provinces, *Halliday* 3502——In the North-western Provinces an officer has been appointed to look after prison discipline, and to manage the gaols, *ib.*——The subordinate officers are chiefly persons who have been employed about the police, *ib.* 3551——They are also men who have been in the native army, 3552——Statement of the class from which the superior officers are taken, *ib.* 3555——Of late years, Europeans or quasi Europeans have been employed in large gaols with great success, *ib.* 3556——The gaols is always in the immediate charge of the magistrate of the district, *ib.*——The gaol at Calcutta is under the sheriff and the magistrates of Calcutta, *ib.* 3557——The gaols contain prisoners for debt and prisoners committed before trial, who are as far as possible kept distinct from the convicts, *ib.* 3531-3533——European convicts are generally confined in the gaoler's room, or in some room set apart for them, *ib.* 3507.

The

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PRISONS—continued.

The prison at Allipore is always under the superintendence of the magistrate of the district; it is a large convict establishment, *Torrens* 8594. 8606. 8611——The governor was an uncovenanted European, *ib.* 8608, 8609——He held a very subordinate position, and had small allowances, *ib.* 8610 —— Objections to uniting the superintendence of Allipore Gaol with the office of chief magistrate of Calcutta, *ib.* 8614——The salaries for the superintendence of the gaol and the magistrate's office have always been consolidated, *ib.* 8621, 8622.

Prison Discipline. Great pains are taken with the physical welfare of the prisoners, but little has been done in the way of prison discipline, *Halliday* 3502——The mortality is not great until something like proper prison discipline is enforced, when the prisoners die off; that is the great obstacle in the way of real improvement in prison discipline, *ib.* 3509——It was reported upon by a committee collected by Lord Auckland, but very little has been done, *ib.* 3502 ——An alteration in the manner of feeding and messing the prisoners was made in consequence of the suggestion of the committee, *ib.* ——It has produced serious attempts on the part of the prisoners to put it down, *ib.*——The new system of prison discipline caused risings at Benares, Patna, at Agra, where there was great loss of life, and also at Chuprah, where the Zemindars of the district showed a disposition to side with the convicts, *ib.* 3505——Observations upon prison discipline, *Duff* 4261——Substituting rations for any allowance to purchase food has operated beneficially, but the messing system has not worked well, *ib.* 4263——Objections to it, *ib.* 4264——Is not aware of any system of prison discipline having for its object the reformation of the prisoners, *ib.* 4269——There are difficulties in the way of such a system, *ib.* 4270——Taskwork within the gaols has been tried, but on the whole cannot be said to have been successful, *Halliday* 3506——Formerly all the prisoners worked in gangs upon the public roads and public works, sometimes at a distance from the gaols, but now they are never so far off as to be unable to return at night, *ib.*——Within the gaol the prisoners are employed in making paper, carpets, rugs, &c., *ib.* 3517——Objections to the employment of prisoners in out-door labour, *Duff* 4261. 4267.

PROMOTION:

In the Army.—Way in which promotion in the military service takes place, *Melvill* 129——In the native regiments promotion by seniority is rather less regarded now than formerly, *Pollock* 458——It was the general rule, fit or unfit, but it has been much broken through lately, *ib.* 459——Now a man must read and write, and generally his merits be established before promotion, *ib.*——System pursued in the recommendation of native officers, 460——Is not aware of promotions from one regiment to a higher position in another regiment, *ib.* 462——Promotion by seniority is the weak point in any service, *Napier* 826——The rule of promotion by seniority with regard to the native officers exists in the Bengal army, *ib.* 833——But not in the Bombay army, *ib.* 833. 835——Promotion by seniority would damp the whole energies of the army, *Alexander* 1148——There is not the slightest comparison between promotion by selection, as in the Madras army, and by seniority, as in the Bengal; even in Madras it is difficult to keep up the energies of an officer, when he gets rather aged, at the top of his profession, *ib.* 1144——Prefers promotion by selection, *ib.* 1148——Promotion in general is not sufficiently rapid to ensure natural vigour and energy in the higher ranks of the army, *ib.* 987——Promotion would be accelerated, and the efficiency of the service increased, if employment was found in the Civil Department for officers who are unfit for active field service, *ib.* 1001——Promotion of the native officers ought to be by seniority and not by selection, *Viscount Hardinge* 2044——You gain in policy what you lose in efficiency, *ib.*——Seniority is the rule in the Bengal army; in the Madras and Bombay armies they prefer the rule of selection; it is a much wiser principle to give the promotion by seniority rather than by selection, *ib.*

In the Civil Service.—Promotion and salary is the only practical difficulty with regard to the complete separation of the Revenue and Judicial Department, *Willoughby* 3021—— Promotion would be more rapid in the judicial line than in the revenue line, *ib.* 3023 ——In the civil service in Bengal, how arranged, *Marshman* 5134——Promotion by seniority is not consistent with the good administration of the judicial system, *Halliday* 3645——It is of use in preventing jobbing, *ib.* 3646——Should say that there is no jobbing in India under the existing system, *Cameron* 7399——It is not a necessary part of an exclusive service, *ib.* 7397——Lord William Bentinck broke through very much that exclusive attention to seniority, *ib.* 7398.

See also *Army. Civil Service. Officers.*

Property in India. Cannot be regarded as held under trust in the way that property was held in this country under military service, *Marshman* 6529.

Proprietary Schools. For teaching English, have been set up by the natives educated either in the Government or missionary colleges, *Marshman* 6396——The course of instruction given in them is of a character resembling the course pursued in the Government schools, *ib.* 6398——There has long been a very flourishing proprietary school at Calcutta for in-

Reports, 1852-53—*continued.*

Proprietary Schools—continued.

struction in English maintained by a native, *Trevelyan* 6603——Description of the class of pupils attending the proprietary school at Calcutta, *ib.* 6622——All the students in the native proprietary school pay more or less, *Marshman* 6428.

See also *Education.*

Public Buildings. At Umballah appear to be pretty well built, *Kennedy* 7664——Also the new barracks at Dagshai and Lahore, *ib.* 7665——Brick is used at Lahore, stone at Dagshai, *ib.* 7666——The bricks used are generally of a fair quality, *ib.* 7667——The mortar very good, *ib.* 7668.

Public Works. There is a record of all public works carried out under the engineers in the chief engineer's office, *Alexander* 978——It is an office record, *ib.* 979——Lord Hardinge put a stop to the progress of public works on Sunday without trouble, *Keane* 7968——The principal works carried on by the Indian Government have been canals and roads, *Thornton* 7462——Statement of the average annual expenditure for the last fifteen years, *ib.* 7492, 7493——One of the chief difficulties in carrying on works, is the want of an efficient supply of subordinate overseers, *Kennedy* 7565——There are two ways of constructing them, the one by contract, the other by private agency; reasons why the arrangements of the contractor are always superior, *ib.* 7656——Efforts are being made with a view to the extension of the contract system in India, *ib.* 7657——They have been established with success in some parts in the north-west; they should be very limited in their extent, *ib.*——Considers that contracts will be taken if tenders be called for with judgment, *ib.* 7659——In India, with respect of contract work, a great deal of superintendence is necessary, *ib.* 7661.

The extent of public works in India cannot be judged of by the cost, *Sims* 8741——Which is generally about one-fifth the cost in this country, *ib.* 8744——In proportion as public works and roads have been improved, the condition of the people and the public revenue have also been improved, *ib.* 8779——They will undoubtedly have a powerful effect in mitigating the severity of famines, *ib.* 8782.

The greatest difficulty in public works is the want of a sufficient superintending and executive department, *Sims* 8795——The natives only require to be educated and trained to make most efficient superintendents, *ib.* 8796——An engineering class is indispensably necessary for the efficient management of the Public Works Department, *ib.* 8801.

With regard to public works in the Madras Presidency, though more perhaps might have been done than has been done, a great deal, much more than is generally supposed, has been done, *Sims* 8876——Public works are a great deal delayed by reference to the Supreme Government, *ib.* 8877; and *see* 8766-8774——There are many works in the Madras Presidency which would justify Government in raising money for the purpose of executing them, *ib.* 8878——Public works in Madras have been cheaply executed, both with reference to cost in this country, and to the general cost of works in India, *ib.* 8886, 8887.

Description of the condition of the Province of Candeish, with reference to public works, *French* 8914——And of the Nemar, a non-regulation district; in Nemar, a vast deal was done, more than would otherwise have been done, mainly owing to its being a non-regulation district, *ib.* 8917——Statement of the system pursued in Nemar, *ib.* 8917. 8930——The state of public works in Guzerat described, *ib.* 8939——There are neither roads nor bridges, and the ports are in a state of nature, *ib.*——In Bombay nothing is done from the forms required by the Military Board and other impediments, *ib.* 8942.

From the way in which public works were executed in Nemar and Ajmeer, does not consider that a large engineer's staff is required, *French* 8951——But the collector should be relieved from a good deal of minor petty detail, *ib.*

With a view to enabling the finances of India to meet the expense of public works, would recommend doing away with sinecures, such as the private secretary and military secretary to the Governor of Bombay, *French* 8969——Also the Governor's band, *ib.* 8984——A saving might also be effected by remodelling the garrison staff of the Presidency, *ib.* 8986——And dispensing with the offices of military secretary and Persian interpreter to the Commander-in-Chief of the Presidency, *ib.* 8988——Would also transfer the public offices of the Presidency to the now useless barrack in the Fort, *ib.* 8989——Cannot say how far the points suggested are applicable at Madras, *ib.*——Estimates the saving at about 20,000*l.* a year, *ib.* 8991.

Would recommend that the sums allowed to collectors to be expended, without reference to Government, should be increased, *French* 8994——And in their construction, would employ natives far more extensively and in higher positions, *ib.* 8998——In Nemar the Europeans and natives worked exceedingly well together, *ib.* 8999——The Board of Public Works at Madras is combined with the Revenue Board, and is totally distinct from the Military Department, *Sims* 8727——It superintends all works of irrigation, civil and judicial buildings, and roads, *ib.* 8728.

With a view to any large and comprehensive system of improvements, it is absolutely necessary to reorganise the superintending and executive Department of Public Works, and augmenting its strength, *Sims* 8868——Concurs generally in the report of the Commission

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PUBLIC WORKS—continued.

mission of Madras upon the Public Works Department, *ib.* 8871——Probably the continuance of a Board is the best system for Madras, though there are great advantages from individual agency, *ib.* 8872——There are great advantages in combining a revenue officer with an engineer officer, *ib.* 8873——Is not sure whether attaching engineer officers entirely to the Board of Revenue would answer as well as the new Board proposed by the Commissioners, *ib.* 8875.

Report from the Board of Public Works on the experiment of employing convict labour in the construction of roads, *App.* (B.) *Third Report, p.* 114——Extract from the Minutes of Consultation, under date 8 June 1847, on the same subject, *ib. p.* 117——Statement of the amount expended in Public Works in India, in each year from 1837-38 down to the latest period to which the accounts have been received, *App.* (C.) *Third Report, p.* 176.

See also *Canals. Embankments. Engineer Department. Irrigation. Railways. Roads. Tanks.*

Puggees. They are found in almost every village in Gujerat, and it is their duty to track offenders by their footsteps, *Willoughby* 3117.

Puna Sanscrit College. Improvements in it under the arrangements of Major Candy, *Duff* 6247.

Punchayet. Is provided for by law, *Hill* 2139——Punchayets are well suited to a simple state of society, *Perry* 2797——But there is no legal power of enforcing their decrees, *ib.* 2798. 2803.——*See* also *Assessors. Juries.*

Pundits. Are the Hindoo law officers in the Company's Courts; the opinion of the natives is very much against their honesty, *Baillie* 3993——They enjoy consideration with their countrymen according to their reputation which is shown by the number of pupils that they have under them, *Wilson* 7226——Believes that reputation for great learning constitutes a pundit; they are not created by any authority, *Cameron* 7340.

Punjab. Is governed by a code drawn up by the Board of Administration, by direction of Lord Dalhousie, and is comprised in about fifteen foolscap pages; it is found to work exceedingly well, *Marshman* 5093——Believes that the criminal code, code of civil procedure, and the revenue system in the Punjab, is the same as in Khytal, *Campbell* 3828.

Purchasers of Land. They are subject to great litigation upon questions as to the validity of tenure, and from the boundaries being undefined; there is great difficulty in the way of evidence, *Wise* 5249-5254——Suits are brought even in the case of estates bought at Government sales, *ib.* 5250.

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RAILWAYS. There is a proposition for a railway from Diamond Harbour to Calcutta, *Melvill, J. C.* 1503——Advantages of establishing them in India; they will be the greatest destroyers of caste and the greatest missionary of all, *Trevelyan* 6792——And the greatest means of diffusing the English language, *ib.* 6793.

When extended into the cotton districts they will open an immense source of supply, and enable the cotton of India to compete very successfully with the cotton of America, *Crawford* 1857——Improvements in the cultivation of it will naturally follow, *ib.* 1861.

About thirty miles are completed in the Bombay territory, *Thornton* 7506——And the first section of the Bengal Railway is nearly completed, *ib.* 7507——They are being constructed by private companies, *ib.* 7509——With a guarantee, *ib.*——Amount of the guarantee, *ib.* 7510——European Governments never work so well as private companies, *ib.* 7513——Statement of the lines projected, *ib.* 7515.

You cannot make India an exporting country without railways, *Thornton* 7559——Railway tunnelling would cost about 4*l.* 7*s.* per yard forward, *Kennedy* 7599.

Statement of what has been projected with regard to railways in India, *Kennedy* 7700 *et seq.*——And of the principles upon which railways in India ought to be based, *ib.* 7702——Regulating features of the country described, *ib.*——And effect of a proper system of railways as regarded in a military point of view, *ib.*——Statement of a system of railways recommended, *ib.* 7703. 7752-7754——The twelve projects suggested would embrace 5,177 miles, at an average cost of 5,000*l.* per mile, *ib.* 7703——A line into the Deccan is highly important, *ib.* 7752——It is not necessary in India to aim at a high rate of velocity, *ib.* 7704——The principle should be to run the fewest trains possible, with the heaviest loads possible, at a moderate speed, *ib.*——And give the engine the greatest possible advantage with reference to inclines, *ib.*——The valley lines will generally be the cheapest, *ib.* 7705. 7713.

With regard to the Bombay Railway, would prefer a sea-coast line to ascending the Ghauts, *Kennedy* 7706-7708——It would require a base of ninety miles to ascend the great Ghauts with a slope of 1 in 330, *ib.* 7709——Would prefer facing any difficulty rather than going up 1,700 feet, *ib.* 7714——Would prefer a level line at a cost of 14,000*l.* per mile to a steep line at 7,000*l.* per mile, 7751——There would be no

Reports, 1852-53—*continued.*

RAILWAYS—continued.

difficulty in dealing with an ordinary river, *Kennedy* 7716——Does not apprehend difficulty from inundations, *ib.* 7719——The mouths of the Jumma and Soane should be left as breaks for the present, *ib.* 7721——The inconvenience would be less in India than elsewhere, and after all it is a question of expense, *ib.* 7722——Does not recommend permanent breaks to be left in the lines, *ib.* 7724——Does not apprehend difficulty from the tracts of sand on the banks of rivers, *ib.*

With regard to the possibility of executing railways in India by private contract, is of opinion that if a prudent and economical course is adopted, the first railway which opens and pays well will settle the question in favour of private enterprise; otherwise a company will always require a guarantee from Government, *Kennedy* 7727——Such a guarantee is essential until experience is obtained, *ib.* 7728——If judicious superintendence is exercised, ample remuneration will be derived from the Calcutta line *ib.* 7729——Proposes single lines invariably, excepting the first forty miles from Calcutta, *ib.* 7734——But would take ground enough for two lines, *ib.* 7735——Iron sleepers would be the best, *ib.* 7737——The expense would not be very great, *ib.* 7738——The average expense of a single line would be about 5,000 *l.* a mile, *ib.* 7740——The system in India is clear of many expenses which occur in England; recommendations in order to secure the greatest possible economy in the construction and maintenance of railways, *ib.* 7742——Government gives the land, which they buy of the Zemindar at the rate of 500 *l.* per mile, *ib.* 7742, 7743——About fourteen or fifteen acres, *ib.* 7744.

A railway from Allahabad to the Upper Provinces would run very nearly in the line of the intended canal irrigation, *Kennedy* 7767——It would not be desirable to combine the two, *ib.* 7768——It is to be hoped that railways will enable cotton to be brought from the interior at a price to allow it to be exported with profit, *Sims* 8811.

The Madras Railway was commenced on the 9th of June, *Sims* 8827——Will be about 380 miles long, 8829——And by connecting the two coasts, will secure a fine weather coast accessible for vessels at all seasons, and be of great value for commercial purposes, *ib.* 8830——It will also be useful in a political point of view, *ib.*——In enabling Government to keep the European regiments in a healthy climate, *ib.* 8830, 8831——It will cost about 6,000 *l.* a mile, *ib.* 8832——For a single line, *ib.* 8833——Though the land taken and the width of the bridges will be sufficient for a double line, if necessary, *ib.* 8834——Five feet six inches is the uniform gauge for all railways in India, *ib.* 8835.

The natives of the south of India will use the railway if they are carried sufficiently cheap, *Sims* 8843——Apprehends no difficulty from caste, *ib.* 8844——Expects to reduce the carriage of goods to three halfpence per ton per mile, *ib.* 8845——The calculations of profit are chiefly upon goods traffic, *ib.* 8847.

Is of opinion that railways can be more economically constructed by Government than by a private company, *Sims* 8881——The chief objection to the Indian companies is the guaranteed interest, *ib.* 8882——Thinks the peculiar facilities afforded by India for the construction of railways would be more easily obtained if the works were executed by Government, *ib.* 8884——Government having retained the control and superintendence might with advantage have executed the works with the chance of the profits, *ib.* 8885——Practical railway engineers must have been sent out from this country at the commencement, *ib.* 8888——If two or more railways were sanctioned for the same Presidency, the competition would lead to very injurious consequences, *ib.* 8890, 8891.

Railway prospects in Guzerat described, *French* 8958 *et seq.*——The line recommended would flank the Ghauts, *ib.* 8962, 8963——Could be constructed and worked at less expense than lines crossing the Ghauts, *ib.* 8964——It is not very circuitous, *ib.* 8965——Opinion that the introduction of railways would enable a vast reduction to be made in the army, and facilitate its operations, *ib.* 8966——The Governor-general's idea of railways, as just published, would be the best means of facilitating trade between Malwa and Bombay, *ib.* 9006.

Statement of the Railways in India, with Map, *App.* (C.) *Third Report, p.* 173.

See also *Cotton. Public Works.*

Rajah. The title has never been conferred at Bombay, *Willoughby* 3299.

Rajpootanah. The Civil Government, especially of Adjmeer, is exceedingly well managed, but not better than the North-western Provinces, *Marshman* 5066.

Rations. Are now on a very good scale indeed, *Alexander* 1276.

See also *Commissariat.*

Reading Clubs and Libraries. Have been established in Calcutta within the last three or four years, *Marshman* 6425.

Records of India. The arrangement of them in the way adopted in the Public Record Department under the Master of the Rolls in England recommended, *Trevelyan* 6879.

Recruiting. In India recruiting is by voluntary enlistment without bounty, *Melvill* 63——The enlistment is for unlimited service, *ib.* 64——But in Bengal upon the understanding that they are not to go beyond the sea, *ib.* 71——There is no difficulty in obtaining recruits,

Recruiting—continued.

recruits, *Melvill* 83——Is of opinion that the natives would enlist for general service as soon as for limited, *Viscount Gough* 696——The Governor-general has allowed ten men per company to be recruited in the Punjaub, *ib.* 735——Each commanding officer recruits for his own regiment, *Alexander* 1187.——*See* also *Army.*

Reeve, Henry, Esq. Is Registrar of the Privy Council, 5560——And has attended the sittings of the Judicial Committee for some time past, 5561. 5573——Sir John Peter Grant's case was before the Judicial Committee existed, 5562——In cases of special reference the Committee of Council do not sit exactly as a Court of Appeal and give judgment, but their opinion is embodied in a report which is submitted to the Queen in Council, and, together with the Act of Council approving of it, would be transmitted to the Board of Control, 5564-5566——And probably forwarded to India, 5565——Report and order in Sir J. P. Grant's case, 5567.

The attention of the Judicial Committee has been turned to the subject of appeals from India, and certain suggestions, with a view to prevent delay and arrear, are under the consideration of the Committee, 5568——Including notice in India that the expense of prosecuting appeals here will no longer be borne by the Government, 5569——But great difficulties arise from the ignorance of the parties in India of the proceedings carried on in their names, 5570.

So far as the Privy Council is concerned, there is no delay at all, 5571——Great delay is caused by the translation of the papers used in the native courts, which is made by the officers of the court in India, and certified by the registrar in the Sudder, 5571, 5572——When agents are properly instructed and provided with funds, an appeal may easily be heard in a year and sent back, 5571, 5572.

The Judicial Committee is sometimes embarrassed, especially in questions of fact, from their ignorance of the law as administered in the Mofussil, 5574——Of which the experience of the judges of the Supreme Courts is very limited, 5575——An enactment would be required, and might be framed to enable a gentleman who had acted as judge in the Mofussil to sit as a member of the Judicial Committee to hear Indian appeals, 5576, 5577——It would be a great improvement, 5584——The subject of appeals in money is now limited to 10,000 rupees in all the Presidencies; generally speaking they are of very large value, 5578——The return laid before the Committee includes all arrears existing in 1834; 5582.

More decisions of the Supreme Courts have been reversed than of the Sudder Courts, in the proportion of five to one; perhaps because the Committee did not feel so conversant with Indian jurisprudence as with questions of English law, which are chiefly dealt with in the Supreme Courts, 5583.

Regiment. Regiments ought never to be without at least two effective captains, *Cotton* 335. 342——Would be satisfied with an officer to each company, the commandant and the adjutant, *ib.* 337——If the Company's regulations were adhered to the number of officers to each regiment would be sufficient, *ib.* 338——By the regulations one field officer and two captains ought always to be present, *ib.* 339——There are seldom above two captains in garrison, or above four in the field with the ten companies, *Viscount Gough* 701——The native regiments are always at their full complement of effective men, and there are generally men with the corps ready to fill up any vacancies, *ib.* 704——Most regiments maintain libraries, *Alexander* 976——The number of wives allowed to go with a regiment has been restricted; formerly it was allowed at the commanding officer's discretion, *ib.* 1233.

The officer in command has the same authority and influence as formerly, *Pollock* 452——The adjutant-general does not interfere with the patronage more than formerly, *ib.* 453——The commanding officer has the patronage of the native officers, so far that he recommends; and his recommendation is attended to by the Commander-in-Chief, *ib.* 454——Does not think that the commanding officers are more interfered with than formerly, *Viscount Gough* 686——When a man becomes a lieutenant-colonel, he must have the command of a regiment, and of course there are some of them unfit for duty, *ib.* 687——Cannot avoid having some officers rejoining their regiments, after having been many years on the staff, who have very much lost the routine of regimental duties, *ib.* 688——They are not often shifted from one regiment to another in the Bengal army, *ib.* 715——Circumstances under which an officer would be shifted against his will, *ib.* 716——An officer succeeds to the command of a regiment by seniority, *Alexander* 1017——Objections to the system, *ib.* 1018——Could be very much improved, *ib.* 1021——The European regiments have suffered materially in discipline from want of power in the Commander-in-Chief to appoint the best fitted to command them, *ib.* 1023——The more useful men are often removed from the European regiments, and placed in native regiments in a different capacity, *Viscount Hardinge* 2073——It causes rapid promotion, *ib.* 2074——Nothing could exceed the good conduct of the Company's European regiments, but considers the Queen's service preferable, *ib.* 2050——Number of officers attached to the European regiments, *ib.* 2062——Is greater in proportion to the men than in the Queen's service, *ib.* 2066.

See also *Army. Officers. Promotion.*

Reports, 1852-53—*continued.*

Regimental Bands. The cost of maintaining them should be defrayed by Government, and not thrown upon the officers, *Alexander* 998——Are to a great extent composed of East Indians, *Duff* 4193.

REGISTER:

Register of the Sudder Court.—It is his duty to distribute the cases among the judges, *Reid*, 2857——He is paid by a fixed salary, *ib.* 2871——His fees are carried to the account of the Judicial Department, *ib.* 2879——As register, did not keep a large sum in court; all money, excepting about 2,000 rupees, was made over to the sub-treasurer, *ib.* 2875.

Register of the Provincial and Zillah Courts.—Functions of the register of the Provincial Court described, *Reid* 2897——He had not to give any decisions, *ib.* 2898——The appointment does not exist now, *ib.* 2899——As registers and assistant registers to the Zillah judge, young men obtained a considerable knowledge of the practice of the Zillah Courts, *Ryan* 2405——The register of the Zillah Court is a civil judge, with limited jurisdiction, *Ryan* 2405; *Reid* 2900——Which, after some experience, was extended up to 1,000 rupees, *ib.*——Upon the report of the judge, *ib.* 2901——When a register had extra powers in civil matters, he generally got extra powers in criminal matters also, *ib.* 2903.

The office was abolished by Lord W. Bentinck, *Reid* 2904; *Marshman* 5126; *Caldecott* 5546——Registrars were assistant judges, with limited jurisdiction, *Reid* 2900; *Caldecott* 5546——There were great differences of opinion at the time as to the propriety of abolishing the office, *Halliday* 3443——The system of register and assistant register acted well, *Reid* 2935——Would be very glad to see the office of register re-established, *Halliday* 3443——But not with mere ministerial employment, *ib.* 3445——Would not return to the old system of register, *Caldecott* 5546——Suggestions instead, *ib.*

The abolition of the office has removed the only means a man had of acquiring legal knowledge in the Company's Courts, *Reid* 2931——The judges are not so fit for their offices now, *ib.* 2933——Before appointing a young man to the office, if re-established, he should have a practical acquaintance with the Revenue Department; then carry him on in the Judicial Department only, *Halliday* 3450.

The re-establishment of the office is generally desired throughout the Gangetic Provinces, *Marshman* 5126——Duties of the office described, *ib.* 5127-5129——The re-establishment of it would prevent a great deal of corruption, *ib.* 5130——And a man before attaining the office of civil judge would be well acquainted with the law he had to administer, *ib.*——At present a man is called upon to decide appeals from men far better acquainted with the law than he is, *ib.* 5126——He has at present to depend in a great measure upon his sheristadar, who is almost universally corrupt, *ib.* 5128.

Register of the Supreme Court.—His fees are charged as a per-centage; it used to be five per cent. at Bombay, and is so now, *Perry* 2738——Since Sir Thomas Turton's case, Government have taken the appointment of the officer into their own hands, *ib.* 2745——At Calcutta he gets three per cent., 2746——He is still responsible to Government, and has to furnish large securities, *ib.* 2747.

See also *Administration of Justice. Civil Service. Courts of Justice. Judges. Judicial Training. Native Agency.*

Regulation Provinces. Are governed by the Cornwallis Code, which, with improvements, consists of twelve folio volumes of regulations, circular orders explanatory of them, and five or six volumes of reports, in all some seventeen or eighteen volumes, *Marshman* 5079——It is very voluminous and intricate, *ib.* 5080 *et seq.*——The ancient regulations are simple in style, but deficient in precision, *ib.* 5087——The more recent may be very precise, but they are not near so intelligible to the natives as the old laws, *ib.* 5087——In those enacted during the last sixteen years, the same words are not used to express the same meaning throughout, *ib.* 5089——Consolidation would be most desirable, *ib.* 5091——The present code is too voluminous, and the system of law too technical, *ib.* 5092——In the non-Regulation Provinces they have a more simple code, which was formed under Lord Dalhousie's direction, and is comprised in about fifteen foolscap pages; it is found to answer exceedingly well, *ib.* 5093——There are thirty-one Regulation Provinces in the north-west, *Thornton* 7552.

See also *Administration of Justice. Code. Laws.*

Regulations of 1827. Apply principally to procedure, *Perry* 2655——Are so short and jejune that they leave the whole thing very much in the power of the judge, *ib.*

Regulations. That of Lord William Bentinck in 1832, abrogating the persecuting spirit of the Hindoo law in case of conversion, could scarcely have been overlooked or mistaken by the natives, *Marshman* 6513.

Regulation No. 21 of 1850 does not contemplate anything more than Lord W Bentinck's Act, *Marshman* 6506——Probable operation of the regulation with regard to any

Reports, 1852-53—*continued.*

Regulations—continued.

any horrible offence which would exclude from caste, irrespective of conversion to Christianity, *Marshman* 6519——The want of a clause enabling the courts to award compensation in certain cases, is certainly an omission, *ib.* 6522——The agitation against it was got up by those connected with the Landowners' Society, and who now form the society of British India, *ib.* 6537——It was confined to Calcutta, the attempts to rouse the country having failed, *ib.*——The object of the regulation was to protect rights of conscience, *ib.* 6539.

Reid, John Fleming Martin, Esq. Held office in India for thirty-one years, 2809——Always in the Judicial Department; for the last ten years was judge of the Sudder Court at Calcutta, 2810——Left India in 1847; 2811——Thinks the administration of justice in India is as favourable as circumstances will admit, 2812——Delay is the chief defect, 2813, 2814——There are not many technicalities, 2816. 2818——A great deal of the delay is owing to the people, 2817——The decisions of the native judges are very good, 2819——But cannot say much for their integrity, 2820——Generally speaking, there is great laxity of morality among the natives, 2835——But if well looked after, they make very good judges, 2837——And when fit for it might be more extensively employed, 2916——Upon the whole their character has improved of late years, 2925——Does not think that education has had much influence upon the moral character of the natives, 2917-2920——The Moonsiffs are generally taken from the middling class of men, 2927-2929——The vakeels in the Moonsiffs' courts are very bad, 2826, 2827——Vakeels rarely appear in criminal cases, 2828.

The jury system in India is quite futile; it is a misnomer to call them juries, 2829-2833——They merely sit as assessors, 2832——Respectable natives will not come forward, 2834.

An immense expense is incurred in stamped paper; there are stamps for the most trivial complaint, 2839-2843——They cause frequent delay, and are a great burden upon the suitors, 2844-2847——The stamp duties are lower in the Moonsiffs' courts, 2846——The great body of the people are litigious, 2844. 2852.

The circulars issued by the Sudder are binding on the inferior courts, and are sometimes explanatory of the law, and sometimes they contain rules of practice, 2848-2851——Formerly all the judges used to decide upon such circular orders; but latterly the English department was placed under one judge, and he did almost all the work of that department; he could take the opinion of his brethren upon any circular order he wished to be passed, 2860, 2861——A witness cannot be called in without his diet money being paid, 2864——It is fixed by a list prepared in each district, 2865——There is no taxing-master; the costs are drawn out from the paper, and appended to the decree, 2867——The register is paid by a fixed salary, 2871. 2874——His fees are carried to the account of the Judicial Department, 2879.

The fees of the court are very high, 2864——The pleaders' fees were a certain percentage settled among themselves, 2862——The costs are usually governed by Regulation 1 of 1814; 2869——The only fee taken for the Government was the stamp, 2880——Has always understood that costs were larger in the Supreme Court than in the Sudder, 2885.

Cannot reduce the number of appeals; there are only two; one upon the merits, an appeal of right; the other, the special appeal, upon points of law only, 2853-2856——Manner of transacting the appellate business in the Sudder described, 2857-2859——If it is followed by affirmance it is an appeal to a single judge, 2885-2887.

Statement of the education at Haileybury in witness's time, 2890-2893——And of the subsequent training in India, 2895-2903——Was first assistant to a magistrate, 2894——Then register of the Provincial Court, *ib.*——Duties of the register stated, 2897, 2898——Next register of the Zillah, and as such a civil judge with limited jurisdiction, 2900——And after that entered the Sudder as first assistant to the register, 2903——Lord W. Bentinck abolished the registers and substituted the principal Sudder Amins and native agency, 2904——Object of the change, 2910——Considers that the old plan was better, 2905——It acted very well, 2931——The judges are not now so fit for their offices as when the office of register existed, 2931-2933——A man may now be placed upon the bench who has never seen a single suit decided, 2906, 2907——The only training a judge now receives is the quasi judicial training in the collector's office, 2908, 2909——The decisions of the revenue officers are matters of appeal to the regular courts, 2912, 2913——

Would employ natives in higher judicial offices when they become fit for it, 2916——But you must improve them in point of morals before you can do much good, 2917——On the whole the character of the native judges has improved of late years, 2925.

There is great want of proper judicial training in India, 2921——The judges might be better educated; but the plan goes on very well as it is, 2922——Thinks the natives prefer European decisions, 2930——A man can never be a really good civil judge unless he has had experience as a collector; is in favour of an interchange between the revenue and judicial departments, 2938-2943.

Never found difficulty in administering the law, arising from the state of the law itself, 2944-2947——In civil cases the law of the defendant was the law administered, 2948-2950——

Reports, 1852-53—*continued.*

Reid, John Fleming Martin, Esq.—continued.

2950——In criminal cases the Mussulman law was the principal law, 2950-2957——As modified by the regulations, 2951——The law is scattered through a large number of regulations, and a code would have been very convenient, 2958——A code of procedure would be a very great advantage, 2959——A code would be much better prepared in India than in this country, 2961——Mr. Macaulay's code was circulated for opinions, 2962——Having the judges of the Sudder and Supreme Courts in the Legislative Council, would be an improvement, 2965.

Religious Instruction. The Hindoo and Mahomedan religious books are taught for secular purposes, in order to raise up Hindoo and Mahomedan law officers, *Wise* 7084——Hindoo religion is not taught directly in the Sanscrit College, *Cameron* 7424——But it was found impossible to get rid of it altogether, *ib.* 7425——European science is directly antagonistic to it, but not quite inseparable, *ib.* 7431, 7432.

Government is unable altogether to carry out its principle of strict neutrality in regard to matters of religion in the Sanscrit Colleges and in the Madrissa, *Marshman* 6458-6460——Does not think the position of neutrality assumed by the Government really possible, *Keane* 7909——Religion does not form a prominent branch of study in the Government seminaries, as in the missionary institutions, *Trevelyan* 6804——The neutrality of Government would be infringed by teaching the Bible in the native schools, *ib.* 6840——Never could find the pledge alleged to have been given by Government, guaranteeing to the natives free and undisturbed exercise of their religion, *Marshman* 6495——The Government in India protects the rights of all religions, but acknowledges none as the established religion of the country, *ib.* 6553 *et seq.*

Religion is entirely excluded from all Government institutions; much the same rule is followed in the native proprietary schools, but all the missionary institutions openly and constantly teach Christianity, *Marshman* 6435——The neutrality of the Government has not been without advantage to the missionaries, *ib.* 6444——If it were attempted to introduce religious instruction into the Hindoo College at Calcutta, the native members of the Board would resign, *ib.* 6448——It would almost close the institution for a time, *ib.* 6449——It would cause a great withdrawal of the natives from co-operation in the management of the Government institutions, *Trevelyan* 6808.

Lord William Bentinck's views, on leaving India, on the subject of religious neutrality, *Trevelyan* 6800——It is of the greatest importance to maintain inviolate that fundamental principle of our Government, *ib.* 6799——And that the natives should not be led to suppose that there is any wish on the part of Government to interfere with them, *Wise* 7033——The less the Government interferes, the greater probably will be the progress of religious truth, *Bird* 7144.

The only safe principle upon which a Government, situated like that of India, can proceed is, not to assume the truth or falsehood of any religion, *Cameron* 7406——Religious outbreaks have occurred among the Hindoos at Benares and elsewhere; a general outbreak is quite possible, *Trevelyan* 6798——Imprudence on the part of the Government in matters of religious opinion referred to, *ib.* 6800, 6801.

The Hindoos would be very suspicious if a course of religious study was introduced by Government, *Norton* 6388——Its exclusion from the Government institutions has become a strong party question, *Marshman* 6442——If the Bible had been originally introduced, the natives would have acquiesced in it, but the time has passed when it could be safely introduced; would not recommend introducing it now, *ib.* 6442——Religious instruction was not given in Hooghly or Dacca Colleges, *Wise* 7026——Does not think that there would be any difficulty in finding suitable teachers, *Tucker* 8293——Scripture instruction is allowed in the schools of the Mysore Government, *ib.* 8295-8300——In schools in the Nizam's territories, and also in the schools of the Rajah of Travancore, *ib.* 8294——The condition upon which Scripture instruction was permitted in the Rajah of Travancore's school was, that the other pupils should not lose time by being made to sit by while Scripture instruction was given, *ib.* 8301——Scripture is taught in this school by the master, an Englishman, who was formerly a serjeant in the army, *ib.* 8303.

See also *Bible. Christianity. Converts. Education. Missions.*

Religious Tests. Would exclude anything of the kind from the universities, *Cameron* 7346.

Religious Trusts. The prohibition against Government administering such trusts is a right regulation, *Trevelyan* 6801.

Remittances. The Company's officers can make remittances to Europe through the Company's treasury to an amount, graduated according to rank, from 50*l.* to 400*l.* a year, *Melvill* 143——Advantages to the officer in so remitting his money, *ib.* 144 *et seq.*——It has been in force about fifteen years, *ib.* 145——And is adopted by the officers to a very large extent, *ib.* 148-150——Annual amount of remittances from India to Europe, *Trevelyan* 6640.

Reports, 1852-53—*continued.*

Rent. By law it ought to be estimated according to the nerik or local rate, *Duff* 6213——Suits concerning rent might be more properly decided by the civil judge than by the collector, *ib.* 4207.

Reports, &c. When of more than usual interest, should be published in the Government Gazette, *Trevelyan* 6887.

Resumption Proceedings. Have not necessarily destroyed the remaining ancient gentry, *Halliday* 3627——Cases to which applicable, *ib.* 3628——Limitation of the period, *ib.* 3629, 3630. 3636-3638——Effect of the decision of the Privy Council upon the question, *ib.* 3631-3634; *Pemberton Leigh* 3743-3745——The Government of India had a very immediate interest in the result, *Pemberton Leigh* 3742——The Government were quite entitled to resume lands illegally held without payment of rent, but it should have been left to the ordinary courts of justice, *Baillie* 4061-4065——Does not think that they have anything to do with the insecurity of property, *Marshman* 5204——The resumption cases were tried by special tribunals, but in precisely the same manner as the civil courts would have tried them, *ib.* 5206——They have now ceased, *ib.* 5204.

The resumption regulations, by setting aside the law of 1793, compel parties to prove their right for seventy years back, which is quite impossible; and unless proved by documentary evidence, the judge is bound to decide in favour of Government, *Wise* 5255——They were the greatest curse the Government ever inflicted on the country, *ib.* 5254——Affect all land in Bengal, *ib.* 5255——Have covered the whole country with forgery and perjury, *ib.*——Have shaken the confidence of people in the Government, *ib.* 5257——The issue of a suit is a matter of great uncertainty, *ib.* 5258.

Revenue in India. Three-fourths of it consists of the rent of land, *Hill* 2114——If the instalments are not paid by sunset of the day on which due, the estate is forfeited, and sold to the highest bidder, *Marshman* 5201——This rule is a great obstacle to Europeans purchasing land in India, *ib.*

The Government revenue is payable on four certain fixed days in each year, *Wise* 5262——If not paid, after an advertisement of thirty days, the estate is sold, *ib.* 5263——By public auction, *ib.* 5265—— The only restriction is, the Government bid up as far as they have a claim, after which it is left to others, *ib.* 5266——Has known valuable estates sold for one rupee to the Government; there being no bidders, *ib.* 5267——The rents are only received in the Collector's office, *ib.* 5268——And are paid in solid coin, *ib.* 5270.

Return of the receipts from the opium revenue in each year 1834-35 to 1849-50, *App.* (C.), *Third Report, p.* 168.

Revenue Department. Every civilian should commence his career in the Revenue Department, *Willoughby* 2999——A knowledge of the habits and customs of the natives is acquired in it, *Halliday* 3442——It affords a good training for young judicial servants, *Duff* 4203, 4204——The necessity of an agency of a high order will be eventually very much diminished, *Trevelyan* 6589.

Revenue Officers. Their jurisdiction is conterminous with that of judge, *Hill* 2114——The revenue officer, of whatever grade, was the official president of the Pergunnah Courts, as established in 1831, *Caldecott* 5436.

Revenue and Judicial Departments. An interchange of service between them would be an improvement, *Reid* 2939——Separating them would secure a fair average of men in each department, *Campbell* 3956——Is not in favour of separating the Revenue, Magisterial, and Judicial Departments at once and from the beginning, *Duff* 4203——Revenue and judicial matters are combined in the same functionary in the Non-regulation Provinces, but it is necessary to separate them, in order to have an efficient system, *Campbell* 3963.

See also *Civil Service.* *Judicial and Revenue Departments.*

Rewah Territory. Never heard any complaints of fees levied by the Rajah of Rewah upon cotton passing through his territory, *Caldecott* 5527.

Rewards. The ability of the local government to reward meritorious native officers is not so great as is desirable, *Willoughby* 3296——Explanation of the former system of rewarding meritorious service, *Alexander* 1058——Rewards for distinguished service or good conduct are certainly prized, but are much too limited by their small number, *ib.* 1189.

Rice. The general price of rice in the Mofussil is from eight annas to one shilling for a maund, or 80 lbs., *Duff* 6076.

Rifles. Three or four of the native regiments are armed with rifles; all the Goorka regiments have them, *Viscount Gough* 757——Rifle companies are also attached to some of the regiments, *Viscount Hardinge* 2085.

ROADS. In the western provinces of India the roads are very bad, *Wise* 5357——The Saugor and Nerbudda territory is very difficult to travel in, *Caldecott* 5477——There are only two roads practicable for wheeled carriages for any distance, *ib.* 5511.

Reports, 1852-53—*continued.*

ROADS—continued.

The great trunk road from Allahabad to Delhi is a magnificent road, *Caldecott* 5528——That part of the Allahabad and Benares road near Benares is very bad, *ib.* 5531——Manner of making cross country roads explained, *ib.* 5532-5537——The traffic along the roads always proceeds exactly in the same line, 5537——Greater facilities of intercourse would pay the Government largely, *ib.* 5538——But it is pecuniarily little interested in developing the resources of the country, *ib.* 5540——The roads in Bengal are in an impaired state, *Keane* 7785——In the south of India, with one or two exceptions, they are mere tracks, *Right Rev. Bishop Spencer* 8419.

There is a fine iron bridge near Saugor, *Caldecott* 5514. 5517——Statement of the principal road communications in India, *Thornton* 7486, 7487, 7488——The road from Calcutta to Peshawur is about 1,500 miles in length, *ib.* 7486——From Calcutta to Delhi is a Macadamized road; a carriage dawk from Calcutta will reach Lahore on the sixth day at an average speed of 8½ miles an hour, *ib.* 7489——The Delhi road is available for commercial purposes, *ib.* 7490——The Calcutta road up to Delhi cost about 1,600 *l.* a mile, and it costs about 50,000 *l.* a year to keep it in repair, *ib.* 7495.

The Bombay road cost about 330 *l.* a mile; it is a fair weather, not a Macadamized, road, *Thornton* 7496——Doubts if it is remunerative, *ib.* 7497——The Government erect the travellers' bungalows along the great lines of road, *ib.* 7500.

The new road in the Himalayas was intended to get rid of the practice in the Hill States of tribute labour for the conveyance of baggage, *Kennedy* 7564. 7579——And as a commercial road between the plains and Thibet, *ib.* 7564——It was ultimately to be carried on to Ladak, *ib.* 7565.

Statement of the course pursued in forming the new road in the Himalayas, *Kennedy* 7565——It is impossible to do what is required in India at the high rate which such works usually cost under the Military Board, *ib.*——There are about 3,000 or 4,000 miles of good metalled roads in India, *ib.*——The cheapness of land and labour in India is exceedingly favourable to the construction of such works, *ib.* 7571——Statement of the system pursued in Cephalonia with a view to economise in the construction of roads, *ib.* 7575, 7576——The economy proceeded partly from the mode of arranging the labour and partly from the mode of constructing the work, *ib.* 7576——Estimated the expenditure for a road in the Himalayas, eighteen feet wide, reduced to twelve feet at cliffs, at about 130 *l.* per mile, *ib.* 7580——Including the preparation of materials, *ib.* 7581——Nature of the soil described, *ib.* 7582 *et seq.*——The estimate included everything, with the exception of powder for blasting, and tools, *ib.* 7586, 7587——The maximum inclination of slopes was 3 in 100, *ib.* 7598——Expense of cutting a tunnel in the neighbourhood of Simla, *ib.* 7599.

In hill roads the chief cost is in the formation; on the plains the cost of formation is small, that of metalling considerable; burnt clay is usually calculated on for metal; in some districts there is a species of limestone called conker, which makes a good surface, *Kennedy* 7607——The metalled part is about fifteen feet wide, *ib.* 7609——The burnt clay stands the rains, but soon wears with heavy traffic, *ib.* 7610——It makes very good roads, *French* 9009——In making roads with bricks it is better to pave the roads with the bricks on end, *Kennedy* 7670.

The road from Calcutta to Allahabad was not uniformly good, *Kennedy* 7614——Has timed several stages between Allahabad to Meerut, by horse dawk, at ten miles an hour, *ib.* 7616, 7617——The surface is chiefly of limestone; there are regular stage-waggons above Allahabad, *ib.* 7626, 7627——The whole road from Benares to Meerut is very good, *ib.* 7629.

The Central Government should be responsible for the construction and repair of roads, *Kennedy* 7644——The use of tribute labour is justifiable, in the first instance, for their construction, *ib.* 7644, 7645——But their maintenance afterwards should be borne by the public revenue, *ib.* 7644——Government should look to the laying out of cross roads as well as general roads, *ib.* 7646——Leaving them to local superintendence, *ib.*——In India everything must go from the centre, *ib.* 7648.

The roads usually travelled over in India are just the ordinary field, *Kennedy* 7674——In 1810 there were literally no made roads in the Madras Presidency, *Sims* 8785——Now 300 or 400 miles of good roads have been made and many passes opened, *ib.* 8786——Down to 1836, the Madras roads were under the Department of Public Works, *ib.* 8791——When the roads were placed under a superintendent and two assistants, *ib.*——It would be better to leave them under superintendence of the civil engineers of the divisions through which they pass, subject to the general control of the Board of Works, *ib.* 8793, 8794——With an increased establishment, 8794.

The formation of roads has had the effect of cheapening carriage very much, *Sims* 8808——In many parts it may be the means of enabling cotton to be exported at a profit, *ib.* 8811——In Tanjore the roads were chiefly formed out of the surplus of the Pagoda fund, when the Pagoda endowments were administered by collectors, *ib.* 8818——That

Reports, 1852-53—*continued.*

ROADS—continued.

——That connexion has now ceased, *ib.* 8819——And the cost now falls upon the Government, *ib.* 8825.

There are very few roads in Candeish, *French* 8898——Roads in the Nemar district stated, *ib.* 8925——Observations upon the trunk roads in the Bombay Presidency, *ib.* 8936——In all Guzerat there are but a few miles of tolerably clear road, *ib.* 8942——The road from Ahmednugger to Bombay, through Poonah, is fair, *ib.* 8943——And has greatly increased the traffic, *ib.* 8944——Good roads cannot easily be made leading to the ports in the Gulf of Cambay, *ib.* 8957. 9007——The best thing would be to raise and level the line of country for a road, *ib.* 8957. 9009——The road through Berar and Candeish to Surat, *viâ* the Isabarry Pass, could be made a very excellent road for a small sum, *ib.* 8961.

If good roads were made, the system of transport by pack bullocks would be done away with, *French* 9017——Roads will do much to make India an exporting country and a vast consumer of English manufactures, *ib.* 9038——Candeish presents peculiar facilities for the construction of roads; in Guzerat the difficulty is the want of material, *ib.* 9039.

Road making in the Hills. Principles and rules, having special reference to the new road from Kalka, *viâ* Simla, to Kunawur and Thibet, *App.* (A.) *Third Report*——Rules for superintendents and overseers, No. II. *App.* (A.) *Third Report.*

Statement of the different trunk roads in India, with map, *App.* (C.) *Third Report, p.* 171.

See also *Cotton. Public Works.*

Roman Catholics. There are Roman-catholic chaplains at the different stations, *Right Rev. Bishop Carr* 8095——They sometimes go into the field with a large force, *ib.* 8096——Their salaries *ib.* 8097——Believes that they are appointed by their own bishops, *ib.* 8098——Number of the Roman-catholics in the Bombay Presidency, *ib.* 8118——They are chiefly of the lower classes, *ib.* 8138——They are reserved, and do not much like to enter into conversation on the subject of religion with Protestants, *ib.* 8140.

The Roman-catholic priests have much improved of late years, *Right Rev. Bishop Carr* 8122——They are both European and natives, *ib.* 8123——There is a schism among them as to their relation to the Archbishop of Goa or the Vicar-apostolic of the Pope, *ib.* 8127——Their claims, and the position of the British Government towards them, *ib.* 8131——Of late years they have made scarcely any conversions among the natives, *ib.* 8139.

Is not aware of any direct missionary efforts made by the Roman-catholics, *Tucker* 8355——The natives have a very low opinion of their Christianity, *ib.* 8356——Is inclined to attribute the discontinuance of the Roman-catholic missions to the divisions existing between the Goa priests and those under the Vicars-apostolic, *ib.* 8359——The disputes relate to property, *ib.* 8360——They have not made many converts in India, *Marshman* 5049. 5051.

See also *Conversions. Missions.*

Roorkee College. It is a civil and military college lately established, *Abbott* 5728——Is an engineering college, *Thornton* 5994——To instruction in pure science practical instruction in industrial purposes is added, *Marshman* 6414——It is called the College of Civil Engineering, *ib.*——The same plan has been followed by Colonel Napier at Lahore, *ib.*

Runjeet Sing. Attached extraordinary value to an English letter which he received from Lord Ellenborough, *Trevelyan* 6685——He had considerable difficulty in making head against the religious war stirred up by Syyid Ahmed, *ib.* 6796.

Rustication. Has been introduced at Addiscombe with great advantage, *Pasley* 5738. 5761, 5762.

Ryan, Right Hon. Sir Edward. Was sworn in as a Puisne Judge in India in 1827, as Chief Justice in December 1833, and resigned in January 1842; was nearly fifteen years in India, 2354——Some improvements have taken place in the law within the last twenty years, but certainly not such as were contemplated, 2355——In 1829 Sir Charles Metcalfe complained of the jurisdiction of the Supreme Court, and the result of a long Correspondence was suggestions for the amalgamation of the Supreme and Sudder Courts, the formation of a code, and the establishment of a legislative council, 2356——In the Act of 1833 very enlarged powers of legislation were given, *ib.*——The Law Commission was appointed under that Act of Parliament, 2357——Proceedings of the Commissioners, *ib.*——They finished a criminal code in 1837; steps taken with reference thereto, 2357-2366——A code of criminal procedure was framed by the Criminal Law Commissioners and sent home, 2381.

The non-liability of Europeans to the Company's courts should be altered, 2367——There would be difficulty in providing juries, 2368——But would not object to be tried by some of the Company's judges in the Mofussil, 2369——Never was at a trial before a Company's judge, 2379.

Reports, 1852-53—*continued.*

Ryan, Right Hon. Sir Edward—continued.

A civil code would be desirable; in the Mofussil the law is personal; the English law, Hindoo law, and the Mahomedan law is administered; in all other cases it is the law of the defendant, 2381, 2382——The Armenians are owners of large zemindaries in the Mofussil, where there is no law for them; it has long been a subject of complaint; steps taken with reference thereto, 2383-2389——Means of acquiring a knowledge of the Hindoo and of the Mahomedan law, 2391-2400.

At the establishment of the Mayor's Court in Calcutta, in 1726, all the English statute and common law up to that time was introduced into India, 2401——Subsequently such Acts only as are specifically extended to India have force there, 2402——It is a great defect, 2403.

Would be difficult to introduce more competent persons to administer the law in the Company's courts in the Mofussil, 2404——Suggestions upon the subject, 2405-2409——Judicial training is necessary, but a knowledge of the habits, manners, and language of the people is of the greatest importance in India, 2411——Calling upon persons to exercise an appellate jurisdiction who have never exercised an original jurisdiction is a very great defect, 2412.

No one can practise at the bar of the Supreme Court, unless a member of the English bar, or having some other similar qualification, 2414——Has been much struck with the capacity shown by the native judges, 2420——They are mostly Hindoos, 2421——They pass a severe examination, and seem to have a thorough knowledge of the regulations and of the law that they have to administer before they are appointed, 2438, 2439——The greater part of their decisions appealed from to the Privy Council have been affirmed, 2424——Upon the merits, 2425——Is in favour of appeals to the Privy Council, rather than to a Supreme Court of Appeal in India, 2426-2429.

Views with reference to the amalgamation of the Sudder and Supreme Courts, 2431-2435.

Nothing can be done under the existing system in the way of judicial training beyond giving the general principles of jurisprudence before going to India, 2405. 2436——It is not desirable to acquire the art of administering the law in this country, 2436——Is in favour of the previous training in the Revenue Department, 2405——But afterwards persons should not leave the judicial office to become collectors, 2444.

Statement of the delays in regard to the recommendations of the Law Commissioners, 2447. 2452—— Opinion as to the best method of dealing with the questions referred to the Law Commission, 2454——Would recommend disposing of them in this country rather than sending them out to India for reconsideration, unless an efficient Law Commission is re-established there, 2455. 2458——If the steps suggested were taken they would not supply one object of the commission, namely, of assisting in the current legislation of India; that must be done by the Local Government, 2456.

In 1838 the Home Government told the Local Government that they might pass the Macaulay Code as a law, 2460——Reason why it was never passed, 2461-2464——Would allow the decision of the Indian Legislature to be final in such a case till altered like all Acts of Parliament, 2465.

Opinion as to the best way of improving the constitution of the Legislative Council, 2466-2470——In the event of an amalgamation of the Supreme and Sudder Courts, would take some of the judges of the court as members, 2467——Would not call in advisers upon special occasions only, 2470——As to the introduction of some natives into the Council, 2470-2477——Would not object to introducing some competent persons, 2473——Present constitution of the Legislative Council, 2478——It is desirable to secure a full representation of the native feeling in it, 2480——There would be difficulty in finding suitable natives in the Mofussil, 2481——There is not much desire in the natives generally to take part in its proceedings, 2485——Merchants in the Presidency towns are but little acquainted with the feelings and prejudices of the natives generally, 2486-2489.

In 1848 the Law Commissioners prepared a code of criminal procedure adapted to the criminal code; it has never been acted on, 2490-2498——The code of criminal procedure and the criminal code ought to be simultaneous, 2499——Does not think that the reform in the procedure is of more importance than reform in the law itself, 2500.

The Stamp Acts on legal proceedings do not apply to the Supreme Court, 2502——But there are stamps upon almost every proceeding in the Mofussil Courts, 2503-2506.

Ryots. The condition of the ryots in Bengal described, *Duff* 6201——The illegal exactions they are subjected to are not authorised by Government, *ib.* 6204——Statement of the causes which have produced their deteriorated condition, *ib.* 6207——The abolition of the stamps upon petitions would tend very much to their benefit, *ib.* 6211——Their rights were left undetermined at the time of the permanent settlement, *ib.* 6215——The ryots in the Punjaub sometimes received great injury from the camel drivers sending the camels into their crops, *Viscount Melville* 1320.

See also *Perpetual Settlement.* *Zemindars.*

S.

St. Paul's Cathedral, Calcutta. £. 50,000 has been raised for the building, and 30,000 *l.* for the endowment fund, but a charter of incorporation has been objected to by the Court of Directors, *Keane* 7953. 7955——Probable grounds on which the charter has been objected to, *ib.* 7957, 7958——Reasons for considering a charter an important object, *ib.* 7959 *et seq.*——There is no security without a charter; believes that it would have been granted if Sir Robert Peel had continued in office, *ib.* 7965——The cathedral may always be pretty well filled on ordinary Sundays, *ib.* 8013.

Salaries. The salaries of the natives should be raised, but not to an extent equal to that of the Europeans, *Duff* 4215——The salary of Europeans should be larger than that of the natives, *Trevelyan* 6762.

Salt. Description of the different salt agencies in India, with map, *App.* (C.) Third Report, *p.* 158——Return of the quantity of salt imported into Calcutta in each year, 1844-45 to 1850-51, distinguishing importations from England from other countries, *p.* 160——Return of the net revenue derived from salt in each year, 1839-40, distinguishing the different Presidencies.

Salt Duty. Has been increased with a view to prevent the north-western salt from interfering with the Bengal salt, *Caldecott* 5542, 5543——The salt monopoly was established by Lord Clive in order to provide a fund for giving adequate remuneration to the European servants, *Trevelyan* 6791——It is an oppressive tax, the greatest temporal curse upon the country, *Keane* 7805——It is a monster grievance, *ib.* 7809——The amount does not represent more than one-third of the imposition, *ib.* 7807——Evidence as to its injurious operation upon the price and the quality of the salt, *ib.* 7806 *et seq.*——Would not propose the unlimited introduction of European salt, *ib.* 7814——Would either let the natives manufacture their salt as they do their other commodities, or the Government should distribute their salt under their own authority as they do their spirits now, *ib.*

Salt and Opium Departments. The high salaries in them were put an end to by Lord William Bentinck, *Trevelyan* 6651.

Sandhurst. Has at present 180 students, it can take 360; the expense is little less than Addiscombe, *Abbott* 5676, 5677——Some are taken upon a reduced scale as sons of officers, and some upon an advanced scale, *ib.* 5678.

Sanitary Regulations. The magistrate of each district is vested with authority to make them, *Willoughby* 3295.

Sanscrit Class at Hooghley College. Met with no encouragement, and was therefore given up, *Wise* 6953.

Sanscrit College at Calcutta. Was established in 1821, *Duff* 6258; *Wilson* 7196——It was established in lieu of certain colleges that Lord Minto had proposed to establish at Nudda and Tirhoot, *Duff* 6258——It is used as a means of improving the Bengalee, *Cameron* 7425——With regard to religious neutrality, it is an exceptionable institution, *ib.* 7426.

Sanscrit Language. It is of no use whatever, *Campbell* 3868; *Marshman* 5036——It is now becoming almost a classical language, *Rev. H. Melvill* 4912——According to the native system, all knowledge, sacred and profane, is referred to the Sanscrit language, *Trevelyan* 6778——It requires from twelve to twenty years to learn it, and its use is confined to the Brahmins, *ib.*——Attaches the highest value to it, but it is a very difficult language, *ib.* 6897——A whole life is required to learn it properly, *ib.* 6681——In the event of the law being codified, it will become the duty of the State to found professorships and scholarships, with a view to preserve it, *ib.*

It does not take longer to acquire it than English; you may make a good Sanscrit scholar in twelve years, *Wilson* 7217——How taught in the Sanscrit College, *ib.* 7218——The intense application required tends very much to invigorate the powers of close application, *ib.* 7219.

It is intimately connected with the Hindee and Bengalee, *Wilson* 7243——There is a considerable body of literature in Sanscrit, *ib.* 7244——Statement of the proportion of Sanscrit in the different native languages, 7292——It forms a most essential part of the general education of the Hindoos, *ib.* 7300——A Hindoo, if a Sanscrit scholar, is highly respected, *ib.*——A great part of the Sanscrit literature is free from impurities, *Cameron* 7446.

A knowledge of Sanscrit may be acquired in less time under the system of teaching adopted in this country than by the native mode of teaching, *Wilson* 7309-7311——It is worth while to cultivate it, as being the foundation of the vernacular languages of the country, *Cameron* 7343——It is studied in the Sanscrit College, with a view to improving the Bengalee, *ib.*

Reports, 1852-53—*continued.*

Sanscrit Language—continued.

Sanscrit is a principal study at Haileybury, *Rev. H. Melvill* 4853——Grounds on which the study of it is retained, *ib.* 4854——Would not retain it as a compulsory, but as a voluntary study, *ib.* 4855——It is more attended to at Benares than in any other Government College, *Edwards* 5838——Appropriating the emoluments set apart for it to English literature caused great dissatisfaction, *ib.* 5840-5843.

See also *Education. Language.*

Sattara. Instance referred to of the students at Sattara preferring the Missionary Institution to the Government Institution, *Duff* 6141.

Saugor and Nerbudda Territories. Are Non-regulation Provinces in matters civil, *Caldecott* 5435——There has been no outbreak since Mr. Caldecott was sent there in 1843, *Marshman* 5068——Previous to 1831, there was no fixed system at all; the Governor-general's agent did as he liked; in 1832 the Commissioner then appointed was made subject to the Sudder Nizamut Adawlut of the North-western Provinces in criminal matters, and the Sudder Board of Revenue in civil matters; he established a system of native courts, called Pergunnah Courts, *Caldecott* 5436——Their constitution and procedure explained, *ib.* ——He had European subordinate officers under him; their number, *ib.* 5437——In 1832 or 1833, Mr. Robert Mertins Bird, the chief revenue authority, made a tour through the district, and found that the system was not working well, *Caldecott* 5439——His objections to the system pointed out, and the system established by Mr. Shore in 1836 to remedy the objections described, *ib.* 5440.

The rebellion in 1842 arose from several causes *Caldecott,* 5441, 5442——In 1842, after the rebellion, Mr. Caldecott was sent to re-organise the civil and criminal jurisdictions, *ib.* 5443——System established by him explained, *ib.* 5445-5449——He was assisted by twelve deputy commissioners as Session Judges, but without any civil power, 5450, 5451——The country has remained quiet since, *ib.* 5460-5463——The system established is believed to work well, *ib.* 5459. 5464-5470——Pay of the judges, and expense of the courts stated, *ib.* 5471-5476——The natives employed in the courts were chiefly Mahomedans from the neighbourhood of Lucknow, *ib.* 5480. 5478-5488—— The criminal circuit was 710 miles long, *ib.* 5505——The old police was not sufficiently numerous, *ib.* 5493——The military police was sufficiently numerous for its purposes, *ib.* 5494.

Sawyerpuram. Mr. Pope's institution there belongs to the Propagation Society, *Duff* 6171——Mr. Pope's course of tuition and discipline was too rigorous, and the number of the students diminished, but since he left they have again increased, *ib.* 6172-6175.

See also *Education.*

Scholarships. Scholarships were established by Government with a view to enabling the poorer classes to continue at the colleges during the whole course, *Marshman* 6423—— The system has been completely successful, *ib.* 6424——It was organised in Sir Edward Ryan's time, to obviate the disadvantages arising from boys leaving school too soon, *Wise* 6980——It has been of the greatest advantage, *ib.* 6982——There are about 140 or 150 scholarships altogether, *ib.* 6983——Of four or five rupees a month each, *ib.* 6985——Conditions attached to them, *ib.* 6986——The scholarships in the Government colleges are worth thirty or forty rupees a month, *Marshman* 6490——Nature of the examination required of the candidates, *Wilson* 7202——There are eleven senior and twenty-four junior scholars, *ib.* 7205——The senior scholars have twenty rupees a month for three years, *ib.* 7206—— Objections to the system when compared with that of stipends formerly given, *ib.* 7209 ——It is defective, as it does not enable students to come from a distance, *ib.*—— The students from the missionary schools, Dr. Duff's school, as well as others, were allowed to compete for them, *Wise* 7081——In the event of a University being established, the scholarships, which the Government is now in the habit of giving, should be open to the competition of all the institutions, *Marshman* 6474, 6475——They should be University distinctions, *ib.* 6476.——*See* also *Education.*

School Book Society, Calcutta. The books from this society were used in teaching the vernacular in Hooghley College, *Wise* 6972——Description of such books, *ib.* 6973.

Schoolmasters. There is very great difficulty in obtaining persons properly qualified, *Wise* 6988; *Wilson* 7207.

Schools. See *Education.*

Scinde Irregular Horse. Origin of the corps, *Melvill* 62——Never saw a finer corps than the Scinde Irregular Horse, *Viscount Melville* 1379——The Scinde Horse receive something more than the Bengal Irregular Cavalry; they are uniformly armed and uniformly dressed, *ib.* 1383——How armed, *ib.* 1383-1385.——*See* also *Cavalry.*

Scotch

Reports, 1852-53—*continued.*

Scotch Free Church. The Scotch Free Church School at Madras has a very large number of pupils fully instructed in the Christian Religion, *Tucker* 8281——The Scotch Free Church educates a much larger number than the Church of England, *ib.* 8285——Both the Free and the Established Church of Scotland have given themselves to education as the first thing, *ib.* 8286.

See also *Bible. Conversion. Education. Missions. Religious Instruction.*

Screw Steamers. There are no screw steamers in the Company's service, and only one at Bombay, belonging to a private company, *Cursetjee* 1745.

See also *Indian Navy.*

Seamen (*European*). Are at times very difficult to procure in India, *Powell* 1610.

Secrecy. In India everything oozes out sooner or later, *Perry* 2793——Complaints have been made that information has oozed out of the Secret Department, *Willoughby* 3302——But generally speaking, secrecy is preserved wherever it is essential, *ib.* 3308——Explanation how it was that during the Affghan war important military papers were published in the Bombay newspapers, *ib.* 3309.

Secretariate. Instances of breaches of trust on the part of the natives employed in the Secretariate, *Willoughby* 3302-3305.

Secretaries. It is not, generally speaking, their duty or the custom to initiate important changes in the existing system, *Willoughby* 3010——It is the universal practice for the secretary to sign the Governor-general's letters, *Trevelyan* 6574——The abolition of the appointments of Private Secretary and Military Secretary to the Governor of Bombay recommended, *French* 8696.

Seed. The common allowance, when it is advanced by native merchants, is from seven-tenths to nine-sixteenths of the produce, *Caldecott* 5559.

Sepoys. A large portion of the sepoys in the Company's service come from the territories of a foreign prince, *Melvill* 86——Statement of what has been done for their benefit during the last charter, *ib.* 180. 196, 197——The rules granting them priority of hearing in the native courts have been revived, and made more complete during the last charter, *ib.* 196——And with a very beneficial effect, *Viscount Gough* 707——They have not been deprived of any advantages during the last charter, except in regard to batta at the subsidiary stations, *Melvill* 198——The full pay of the sepoy is seven rupees a month, *ib.* 181——He does not acquire a right to a pension at any time, unless invalided, *ib.* 69.

The native soldiers are very steady men; but much depends upon the commanding officers, and their confidence in the European regiments with them, *Viscount Gough* 696——The sepoy carries three brass pots himself, and two are carried on the baggage cart, *ib.* 755——The system of his selling part of his food is very objectionable, but it cannot be prevented, *ib.* 761——If well drilled, he is a brave and staunch soldier in action; remarks upon the effect of constantly saying that the sepoys are unable to meet an enemy unsupported, *Napier* 832——Their real excellence depends entirely upon the spirit infused into them by their commander, *ib.* 963. He has great attachment to his colours; it is a point of honour with him to follow them, *Alexander* 1119.

The Madras sepoy has had his faith very much shaken by some of the measures of assimilation, *Alexander* 1055——And by changes, 1063. 1100. 1130——An officer of experience in India would deprecate any unsettlement of the sepoy's mind in regard to his pay and allowances, *ib.* 1056——The Madras sepoy is, generally speaking, a married man, *ib.* 1098——He is no reader of general orders; he places implicit faith in the Government, and looks very much to the customs and traditions of the service, *ib.* 1101——Every attention is now paid to making him acquainted with his individual interest, *ib.* 1113.

A sepoy after having been sentenced to imprisonment and hard labour, is dismissed the service, *Alexander* 1159——A sepoy can count service from sixteen years of age, and is entitled to a pension of four rupees a month after fifteen years' service, if unfit for duty, *ib.* 1185——Most sepoys are in their prime at thirty, *ib.* 1186——The sepoys have a very large population dependent upon them for subsistence, *ib.* 1190——Who are as much interested in their pay as the sepoys themselves, *ib.* 1191. In garrison, the sepoy purchases his food as he pleases from the bazaar attached to the regiment, *ib.* 1275——On foreign service he has rations, *ib.*——At some stations he receives compensation when the price of third-class rice exceeds a certain amount, *ib.*

Serampore College. Has a charter conferred by the Sovereign, and continued by the East India Company, *Keane* 7964.

Serjeants in the European Army. Recommended that those who had distinguished themselves in action should have commissions; and generally those so promoted were put into other situations, chiefly uncovenanted situations; they have behaved remarkably well, *Viscount Hardinge* 2046.

Reports, 1852-53—*continued.*

Settlement of Europeans in India. There is not much settlement going on in India, *Halliday* 3653——It has neither been encouraged nor discouraged by the Government, *ib.* 3669——It depends chiefly upon the means of profitable employment, *ib.* 3670.

Shakespeare's Plays. Are much enjoyed by the natives as far as they can understand them, *Wilson* 7214.

Sheristadars. Judges, if incompetent, chiefly decide cases upon the opinion of the sheristadar, *Hyder Jung Bahaudoor* 4738.——*See* also *Judges.*

Shortland, The Venerable Archdeacon.—(Evidence printed in Appendix to Second Report.) (*App. p.* 361.) Has actually served in India sixteen or seventeen years; is personally acquainted with Madras; about fifty or sixty stations are included in the Bishop's visitation, which occupies not less than three years; the present state of the diocese of Madras would involve almost incessant travelling——(*App. p.* 362.) In the absence of the Bishop, the ordinary episcopal functions are performed by the Archdeacon; the salary of the Archdeacon has been reduced from 2,000*l.* to 300*l.*, and is now made up by a chaplaincy; statement of the functions of a chaplain; the present arrangement has in very many cases made the office of archdeacon a sinecure, and makes it almost impossible to discharge the ecclesiastical functions of archdeacon; he has also other duties, that of carrying on the correspondence and superintending the internal arrangements of the Government Ecclesiastical department.

In the event of the Bishop going to England or to the Cape for his health, his income ceases——(*App. p.* 363.) His salary remains undrawn, and the whole duty of the diocese devolves on the Archdeacon; no provision has been made for the salary reverting to the Archdeacon; there is no legal compensation due to the Archdeacon, but witness, after a long correspondence, obtained nearly one-fourth of the Bishop's allowance. Statement of the circumstances under which witness had to act for the Bishop; the Bishop of Madras receives 10,000 rupees a year in addition when acting as metropolitan, and after ten years' service is entitled to eighteen months' furlough, with an allowance of 1,500*l.* a year.

In the event of the diocese of Madras not being divided, it is desirable to render the office of archdeacon more effective, but would prefer a sub-division of the diocese; would place the seat of a new bishopric for Southern India at Trichinopoly——(*App. p.* 364.) Would give the new bishop the present salary of archdeacon as archdeacon and chaplain; there would strictly be no saving except as regards the salary of archdeacon; the advantage of the proposed plan would be the superintendence of the diocese at large, which is now very difficult; it is desirable to constitute unpaid archdeaconries, as in Ceylon; the additional expense would be small in comparison with the advantages derived.

(*App. p.* 365.) There is great difficulty in ascertaining the number of Christians, even in Madras itself; at present the Presidency is divided into twenty-one districts, each of which has a chaplain; considers it is the duty of the chaplains to attend all, whether in the service of the State or not; the supply of chaplains is decidedly insufficient; in the absence of the chaplain, the bishop or his commissary makes the best arrangement for the service of the church he can; nearly all districts have subordinate stations, but the chaplains are not allowed to employ curates; but there is a regulation by which laymen are empowered to perform services in certain cases——(*App. p.* 366.) In the absence of a clergyman the chaplain can appoint a layman, but his selection may be set aside by the commanding officer; such a case occurred at Vizagapatam; disadvantages arising from the vacancy of districts stated; until recently the chief military officer, and the subaltern staff officers under him, could administer baptism publicly with all the forms of the church.

To remedy the evils the ecclesiastical establishment should be increased, and subject to certain checks, the chaplains should be allowed to nominate curates to act in their absence ——(*App. p.* 367.) And if Government cannot provide a clergyman within a limited time, the bishop should have the power to do so; under the present system the saving is considerable, but it ought not to weigh in comparison with the injury. Government should also make proportional grants in aid of the sums contributed by the congregations at the smaller stations for the support of their clergyman; there is some recent measure which interdicts churches being built by Government in military stations; with regard to the increased expense, has no doubt but that the efficiency of the Government servants would be greatly increased.

(*App. p.* 368.) There is no provision made for native Christians; in the smaller stations the chaplains may pay attention to them if they acquire the language; there are a great many native Christians camp followers.

Items, Visitation and travelling allowances, establishment and contingencies, explained.

In doing away with the office of archdeacon, practically there would be no loss in anything that is at present attended to; thinks six or eight additional chaplains are necessary; they need not have 700*l.* or 800*l.* a year; there are native clergymen in connexion with the Church of England, but not in connexion with the Government.

(*App.*

Reports, 1852-53—*continued.*

Shortland, The Venerable Archdeacon—continued.

(*App. p.* 369.) At present practically there are not any means of investigating charges against the clergy in India and of enforcing church discipline, because the Consistorial Courts cannot compel the attendance of witnesses or enforce their decrees; would recommend the Church Discipline Act modified to meet the circumstances of India; when the Bishop is on friendly terms with the Government his power over the clergy is absolute, otherwise he is in a difficult position; he cannot enforce ecclesiastical discipline, and perhaps is not fully supported by Government; the state of the law of marriage and divorce subjects the clergy to great difficulty, (*App. p.* 370.) and acts very injuriously——A local Act, constituting a Court to adjudicate upon cases of adultery, might remedy the evil. Pagan marriages are acknowledged by the Church of England; the points upon which the law of marriage and divorce ought to be altered are, adultery or desertion by the natives on one of the parties becoming a Christian.

There is no difference of opinion as to the necessity for an increase of the Episcopacy in the Bengal Presidency; extent of the diocese of Calcutta; many clergymen come out young——(*App. p.* 371.) And require constant superintendence, guidance, and counsel; a bishopric at Agra is absolutely necessary, if the Episcopate is to be made in any way efficient.

In the nomination of a chaplain to a district, the Governor generally consults the bishop, but it is an act of courtesy, not obligatory; though there is not a legal parish the pastoral duties in India are similar to those in England.

When the Bishop of Madras goes to Calcutta, the charge of his diocese devolves upon the archdeacon, by the letters patent; a special commission would also be given by the bishop; the Archdeacon of Madras is not always one of the chaplains to the cathedral.

(*App. p.* 372.) Formerly the judges were authorised to bury the dead, baptise, and marry, but now the duty generally devolves upon military officers; by the practice and usage of the country, permission to marry parties is given to individuals by the Governor; if the bishop was obliged to select a clergyman to do such duties, in the absence of the chaplain, he would select a missionary clergyman, or some other of the clergymen not connected with Government.

Chaplains are appointed on the nomination of the Chairman and Deputy Chairman of the Court of Directors, without any interference from the Board of Control—— (*App. p.* 373.) With the sanction, but not the previous recommendation of the Archbishop of Canterbury or the Bishop of London; on the whole the appointments, for some years past, have been as satisfactory as could be expected, though there may have been cases to be lamented; two Presbyterian chaplains are allowed to each Presidency; never heard any complaint on the subject. With regard to Roman-catholics, there are priests appointed to the regiments who call themselves chaplains; there is a small allowance for them, but practically they depend upon the contributions of the soldiers and the Propaganda Society at Rome.

In modern times converts are principally made by the Church of England; in former times invariably by the Church of Rome.

(*App. p.* 374.) The bishops of all the Presidencies have constantly represented the insufficiency in number of the Government chaplains; is bound to say that there has been a considerable increase; there is no practicable ecclesiastical provision for the trial of moral offences among the clergy——(*App. p.* 375.) In the subordinate stations the congregations vary from 400 down to 50, and in many of them churches as well as clergymen are wanted; an increase in the number of chaplains in Bengal is absolutely necessary, but it would not supersede the necessity for an additional bishopric at Agra. Roman-catholic bishops are scattered throughout the country. At present the duty of confirmation cannot be adequately discharged by the prelates.

The only schools for Europeans and East Indians are the regimental schools, and two schools at Pulicat and Nagapatam; there is a school for the heathen and another for the Mahomedans in every native regiment, but none for the children of Christians in the native army; it has been supposed that they would be offensive to the heathen and Mahomedans——(*App. p.* 376.) That opinion is not entertained by any one in the Madras Presidency. In any new charter the East India Company should be bound to provide certain schools for native Christians in different districts, or should afford assistance in aid of contributions by the public; is of opinion that they are unquestionably entitled to education, on the same principle that it is afforded to their heathen and Mahomedan brethren.

In the sepoy regiments the drummers and fifers are Indo-Britons, and they are also employed in the subordinate medical establishment; in some regiments there are a good many converted natives; these are not now discouraged.

The separation of Government from the temples is completed, to a great extent, by the transfer of the Pagoda funds to native trustees——(*App. p.* 377.) The children of European soldiers receive instruction in the male and female orphan asylum; they have much

Reports, 1852-53—*continued.*

Shortland, The Venerable Archdeacon—continued.

much diminished in number of late; there are funds for very many more than can be got to enter. It is felt that the English Government might do much more for people of their own faith than is done.

Shotrium. The grant of a shotrium was very much liked by the native; anything which provides for his family is most acceptable to him, *Alexander* 1174.

Sickness in the Army. One of the great sources of sickness is the men going out at night into the verandahs, *Viscount Gough* 743——With a view to diminishing sickness dress should be attended to, and the quantity of guards and civil duties diminished, but good barracks is the most important of all things for health, *Napier* 943.

See also *Army. Barrack.*

Sikhim Country. Has no roads, but mere mountain passes, *Napier* 912.

Sikhs. The Sikh force belongs to the Bengal army, *Melvill* 81——Of what class of men composed, *ib.* 82——The pure Sikhs are a very superior class of soldiers, *Viscount Gough* 721, 722——The Sikh regiments differ materially in dress from the irregular cavalry, *ib.* 729——Had great difficulty in getting a head-dress for them, *ib.*——They are dressed more like our police at home, *ib.* 730——The Sikh never allows a razor to come on his beard, nor scissors to touch his hair, *ib.* 729—— The Sikh regiments are very effective; they have few of the prejudices of caste, *ib.* 735——Each regiment has four European officers, *ib.* 736——The Sikhs may be faithful, but they are not fond of our rule, *Napier* 951——They will volunteer to go anywhere, *ib.* 952——The Sikh regiments are very good, *ib.* 959——Never saw a finer set of soldiers than the Second Punjaub Infantry; they were as well drilled as any regiment of guards in London, *ib.* 960——If well-affected, would not care for European support with such men, *ib.* 961——Is rather in favour of mixed regiments of Sikhs and Mussulmen to pure Sikhs; you know what goes on better, *ib.* 962.

The frank and open character of the Sikh, and his readiness to inquire into the truths of the Gospel, afford encouraging prospects of the spread of Christianity throughout the Punjaub, *Tucker* 8241.

See further *Infantry* (*Irregular*).

Silk. An attempt to introduce the culture of silk in Bombay, at Poonah, failed, *Thornton* 7542.

Simlah. There was a large public garden at the central district school; an experimental garden for the introduction of tea into the district, *Edwards* 5797.

Sims, Colonel Duncan. Statement of services in the engineer department at Madras, 8724——Was an ex-officio member of the Board of Works, in the Revenue Department, 8725, 8726——They are combined, and are totally distinct from the Military Department, 8727——All works of irrigation, civil and judicial buildings and roads, are under the department of Public Works; fortifications and military buildings are under the Military Department, 8728.

Tanks are of immense importance in the Madras Presidency; they are not excavations, but dams to intercept and retain the drainage of the country for irrigation during the dry months; some of them are of great extent, 8729. 8857——When the country first came into our possession they were generally in a very bad condition, 8730. 8864——They are all very ancient, 8731——Were chiefly constructed by the Hindoo Governments, 8731. 8733——The annual revenue of irrigated lands is about 3,250,000*l.*, of which about 1,300,000*l.* is the portion of the Government, 8734.

Great attention has been paid to irrigation since the time of Sir Thomas Munro, 8735——The average annual expenditure for the last fifteen or twenty years is 70,000*l.*; for the last five years 100,000*l.*, 8736——It is not sufficient, 8737——Result of the increased attention to irrigation described, 8738, 8739——Works in India are executed at about one-fifth of the cost of such works in this country, 8741-8745.

Description of the upper anicut of the Coleroon, 8747——Object of the work, 8748——The cultivated land has increased from 540,000 acres to 670,000 acres, 8750——And there has been an increase of collection of 270,000*l.* during the last twenty years, 8751——It represents about forty or fifty per cent. on the outlay, deducting the cost of superintendence, 8752——Such works would repay loans at four and a half or five per cent., in a very short period, 8753——Statement of the increase of revenue arising from works of irrigation in Tinnevelly, 8754——And from the Godavery Anicut, 8755——It is entirely from land collections; there is no tax for the use of the water, 8756——In Rajahmundry increased irrigation has led to the establishment of a large sugar factory 8756——With all the improved machinery of the West Indies, 8759.

One of the greatest difficulties in making improvements is the want of a sufficient superintending and directing establishment, and the want of subordinate agents, 8763. 8795——Description of the mode of obtaining the requisite sanction for works of irrigation,

Reports, 1852-53—*continued.*

Sims, Colonel Duncan—continued.

8765——New works must go to the Supreme Government for its sanction, 8766——It is attended with great delay and inconvenience, has operated unfavourably, and is not necessary, 8767. 8877——It operated inconveniently with reference to the employment of convict labour on the Great Western Road, 8768, 8769——Witness hands in a report of the result of the employment of such labour, 8770——It was extremely satisfactory, 8771——The Madras Government has always been willing and anxious to carry out works of improvement, 8775——Sir Thomas Munro had great influence; what he recommended was generally approved of; he attached great importance to works of irrigation, 8776——He made tours annually in order to ascertain the state of the country, 8777——They were disapproved of by the Court of Directors, and it is to be regretted that they are discontinued, 8778.

The circumstances of the people and of the public revenue have improved in proportion as the public works and roads have been improved, 8779——The improvements will have a powerful effect in mitigating the severity of famines, 8782, 8783.

In 1810 there were no roads in the Madras Presidency, but beaten tracks from town to town, 8785——Since then between 300 and 400 miles of road have been made, passes opened, and a great many bridges which would do credit to any country built, 8786——All roads were conducted by the department of Public Works until 1846, when they were placed under a superintendent and two assistants, 8791——The department was quite insufficient, 8792——They would be better under the control of the civil engineer of the district, subject to the general control of the Board of Works, 8793, 8794.

Found the natives able to afford assistance as superintendents; they only require to be educated and trained to make the most useful and efficient servants as superintendents to be obtained in India, 8796——Prepared a plan for the establishment of an engineer class in the Madras High School, which was not then carried out in consequence of a difference between the Government and the governors of the University, respecting the system of education, 8798. 8801——But it has lately been resolved to add an engineering class, 8798——It is indispensably necessary for the efficient management of the Public Works Department, 8801——The youths educated in the survey department turned out most useful and efficient surveyors, 8802, 8803——Thinks that, on the whole, the native pupils would turn out the most useful, 8807——Captain Maitland's school is one of the most valuable educational establishments in Madras, 8805.

The effect of making roads has been to cheapen carriage, and facilitate the transport of manufactures and productions to the coast; in Salem the natives voluntarily submitted to a tax upon their carts for the purpose of keeping the roads in repair, 8808——India can never become an exporting country for cotton, while it is brought from the interior on bullocks, the delay and injury is so great, 8809, 8810——Railways, it is hoped, will effect the object, 8811——The Godavery may possibly be made a cheap and useful outlet for the cotton of Berar, Nagpore, and Hyderabad; but it is little known, 8813.

Colonel Cotton's canal from Ganjam to Madras, and from Madras to Porto Novo, may prove useful, 8815, 8816——But hitherto it has been rather a suggestion than a well digested plan, 8817.

When the Pagoda endowments were administered by the collectors, the surplus of the funds was appropriated to the repair and improvement of the roads, 8818——In Tanjore the roads were chiefly formed and kept in repair by the surplus of the Pagoda fund, *ib.*——A few years ago the connexion between the Government and the Pagodas was entirely discontinued, 8819——The funds are now administered by native trustees, and no part reserved for roads and bridges, 8823——The maintenance of the roads now falls on Government, 8825.

The Madras Railway was commenced on the 9th of June, 8827——When made, the Great Western Road will not be so much used and valued as it is now, 8830——By connecting the two coasts by a railway there will always be a fine weather coast accessible to vessels at all seasons; it will, therefore, be of great value for commercial purposes, and by enabling Europeans to be located on the Neilgherry Hills, very useful in a political point of view, *ib.*——It will cost about 6,000 *l.* a mile, 8832——It is to be a single line, with land and bridges sufficient for a double line, if required hereafter, 8834——The uniform gauge for Indian railways is five feet six inches, 8835.

The Paumben Passage between Ceylon and the main land has been deepened from five feet water at high tide, to eight feet and a half at low water, 8836——Saving five or six days to coasters, 8837——Estimated at 50,000*l.* or 60,000*l.* a year, 8839——It has cost about 15,000*l.*, and 2,000*l.* more are required to complete the work, 8840.

Thinks that if carried sufficiently cheap, the natives of the South of India will travel by railway, 8843——There will be carriages for different castes, 8844——Expects to reduce the carriage of goods to three halfpence per ton per mile, 8845——Calculations of profit are made chiefly on goods traffic, 8847——Has a very favourable opinion both of the intellectual and moral qualities of the natives of India, 8848——Persons are too frequently apt to judge of them from what they find about the courts of justice; they

Reports, 1852-53—*continued.*

Sims, Colonel Duncan—continued.

have hitherto proved very efficient and valuable servants, and as education advances will gradually qualify themselves for higher employment and offices than they have yet filled, 8849.

A number of the tanks are in tolerably good order at present; a large number are capable of being much improved, 8855——Not a very great number are in ruins, but some of these might be repaired, 8856——They are of all sizes, from twenty yards to nine miles in length; every village has its tank, 8858——Under the Hindoo Government there was a tax upon irrigated land for the purpose of keeping the tanks in repair, 8859——Now the Government receive as rent about two-fifths the gross produce of the land, and in return maintain irrigation, 8859. 8861——They are all earthwork, sometimes faced with large loose stones, 8862——Generally speaking, the zemindars have neglected their tanks very much, 8866——They are better under ryotwar management, 8867.

Until the superintending and executive department of public works is re-organised, and its strength increased, it is hopeless to expect any large and comprehensive system of public works to be carried out, 8868——Concurs generally in the report of the Commission of Madras upon the department, 8871——Though great advantages are derived from individual agency, probably a Board properly constituted is the best system for so large a department, 8872——There is a great advantage in combining a revenue with an engineer officer, 8873——Would rather prefer the new Board recommended by the Commission, to attaching engineer officers entirely to the Revenue Board, 8875——Though more might have been done perhaps than has been done, a great deal more has been done than is generally supposed, 8876——There are many works in Madras which would justify the Government in raising money by way of loan for their execution, 8878.

Considers railways can be constructed more economically by Government than by a private company, 8881——Reasons for such opinion; the chief objection to the Indian companies is the guaranteed interest, 8882——The facilities also afforded by India would be more easily obtained if the works were constructed by Government, 8884——Government having retained the control and superintendence, might also have executed the work with the chance of the profits, 8885——Practical railway engineers must have been sent out from this country at the commencement at least, 8888——Thinks that any rivalry between competing companies would lead to injurious consequences, and prove hurtful in a variety of ways, 8890, 8891.

Government works in Madras have been cheaply executed both with reference to the cost of such works in India, and in this country, 8886, 8887——*The first and greatest necessity at Madras is a supply of engineering ability, 8889.*

Slavery in India. A very slight effort put an end to it; it was almost like an accident, *Keane* 7966——Believes that making the testimony of a slave legal evidence had the effect of upsetting the whole system, *ib.* 7967.

Social Institutions. Government ought to stimulate the natives, with a view to the improvement of their social institutions, *Trevelyan* 6645——An association was formed at Madras last October, for the purpose of introducing certain social reforms, *Norton* 6320.

Soldiers (European). Statement of the changes which have been made for the improvement of their condition, *Melvill* 156-159. 177.——*See* also *Army.*

Soldiers (Native). See *Sepoys.*

Southern Mahratta Horse. Was raised for police purposes, *Melvill* 62.

Spencer, Right Rev. Bishop. Has resided in India rather more than nine years, 8369——As Bishop of Madras, except for a year and a half, when acting for the Bishop of Calcutta, 8370——Has visited the whole Peninsula of India, 8371——The extension of Christianity and the increase of Christians very decidedly require an extension of the Episcopacy in India, 8373——Would recommend a Bishop of Agra, and an additional bishopric in Southern India, 8375——At Trichinopoly, 8376——It might be formed to include the whole of the Tinnevelly district; Tinnevelly and Canara are the most promising parts of India in a Christian point of view, 8377——The principal ground for an additional bishopric in the South of India is the great increase of Christianity, 8413——He should be the Bishop of the Missions, 8414.

Concurs with the Bishop of Calcutta that an additional number of chaplains would be desirable, 8378——On the whole, the appointments of chaplains by the Court of Directors were very good, 8379——Does not concur with the Bishop of Calcutta that special inquiries ought to be made whether men sent out are in debt when they arrive in India, 8383——Nor that a certain number of appointments should be open to the recommendation of the Bishop, 8384——The Bishop of Calcutta may choose any clergyman he pleases in England to be his domestic chaplains; the other Bishops must choose their chaplains out of those resident in the country, 8385——Considers a small body of indigenous chaplains

Reports, 1852-53—*continued.*

Spencer, Right Rev. Bishop—continued.

lains as of the highest importance, 8386——Some arrangement for the ordination of native clergymen would tend very greatly to the growth of religion and piety in India, 8387——Government does not in any way provide for the spiritual wants of converts from idolatry, *ib.*——It would not alarm the native mind, 8388——Ordained natives require to be placed under European superintendence, 8390——But they have done excellent service in India, 8391.

The effects of Christianity, as manifested in the character of the inhabitants of the Christian villages, is most striking; they adorn by their lives the doctrine they profess to have taken up, 8393——There is a stricter church discipline among them than is usual in European communities, 8394——Considers them a very great blessing to the country in every point of view, 8395.

Generally speaking, the natives rather despise us for want of courage in setting forward our own religion, 8396. 8398——Does not apprehend any danger from Government making grants in aid of schools, whether they taught Christianity or not, 8397——Thinks that the natives are not at all opposed to the introduction of the Bible as a class book, 8398——There was needless alarm at head quarters at one time, 8400——Would leave the question of the conditions of education to be settled separately by each Presidency, 8402.

The office of archdeacon requires to be remodelled; at present he is a useless officer; he should be made really useful, or the office abolished, 8403——Holding a chaplainship is incompatible with the efficient discharge of his duty as archdeacon, 8405——He should have the salary of the senior chaplain without being necessarily attached, 8406, 8407——An efficient archdeacon is a valuable officer to the Church; an inefficient one is worse than useless, 8408——It is very desirable to have an efficient officer to take the place of the bishop while he is absent on his visitation, 8412.

Evidence as to the amount of correspondence between the bishop and the outlying chaplaincies, 8417——When on good terms with the Government, the bishop has sufficient authority over the clergy; otherwise he is not so well supported as he ought to be, 8418.

With one or two exceptions, the roads in the South of India were mere tracks, 8419.

Spirits. Rations of spirits are not issued as such to men on service, but the men may have two drams a day upon payment if they demand them, *Melvill* 167——Spirits are furnished by the Commissariat to shops in the cantonments where they are sold, *Berkeley* 505——Are supplied to the army entirely by the Commissariat, *Burlton* 659.

STAFF. By the regulations two captains and three subalterns may be taken from the staff of each regiment, *Berkeley* 479——The number is not exceeded unless absolutely required by the Governor-general, *ib.* 484——They are called special cases, *ib.* 485——But they are very rare, *ib.* 486——Recommendations for staff appointments are sent in from the Commander-in-Chief, but never knew an instance for such recommendation being interfered with, *Viscount Gough* 690.

Rules for the selection of officers for staff appointments, *Alexander* 968——Qualifications for the staff are defined in the general orders, *ib.* 969——All are equally eligible, whether cavalry or infantry, *ib.* 1016.

Staff officers must pass in Hindoostanee, but not necessarily in any other language, *Melvill* 109——It was found undesirable to compel interpreters to pass in Tamul or Teeloogoo, *ib.*——It ceased about three years ago, *ib.* 114. 116——In the Quartermaster-general's department an officer must undergo an examination in military surveying and drawing, *Alexander* 968.

A staff appointment cannot be held by an officer until he has been five years in India, and passed in Persian or Hinduee, *Burlton* 528——An officer should not be put upon it until he has been four years in the service, *Viscount Gough* 688——He may be put upon it after four years' service, and remain until he is a major, *Alexander* 971——There are but few appointments which must not be vacated on promotion to regimental majority, *ib.* 970——Officers remain on the staff as long as they have interest to keep them there, *Napier* 856——Nothing would put them out of a political employment except quarrelling with the Governor-general, 858.

Officers on the staff are generally called in when the army goes into the field, *Berkeley* 478——It would not be desirable not to employ officers in staff appointments, *ib.* 480——Would have a larger number of officers to each regiment, *ib.* 481——Employing them in political employments has a good effect, but some situations on the civil staff, as for instance the Commissariat, would be better filled by civilians, *Alexander* 973.

Does not think that an officer's powers of command are diminished by long service on the staff; very frequently the information acquired whilst serving on the staff makes them upon the whole better officers than if they had remained all the time with their regiments, *Viscount Hardinge* 1985——The best men are always selected for them, which is one of the evils of the present system, *ib.* 1986——The officers of the Company's European

Reports, 1852-53—*continued.*

STAFF—continued.

regiments are entitled to staff appointments in the same proportion as the native regiments, *Viscount Hardinge* 2064.

Is of opinion that the first claim for all staff and other situations of emolument is of right with the Company's officers, but where the Company's regiments cannot afford officers without impairing the efficiency of the corps, certain situations should be given to the Queen's officers, *Viscount Hardinge* 2052——But strictly under the control of the Commander-in-Chief in England; neither Commander-in-Chief nor Governor-general should be allowed to exercise his discretion in altering the rules for maintaining the efficiency of the Queen's corps, *ib.* 2053——They should qualify themselves as they now do for the situation of regimental interpreter; would employ them upon surveys and such duties in the first instance, *ib.* 2055——It would rest with the Court of Directors; presumes they would not be employed in political and civil employments, *ib.* 2068——Such duties cannot be extended to Queen's officers, it would be to the last degree unpopular with the Company's officers, but they might be employed in surveying, *ib.* 2070.

The increase in the number of officers for staff specifically has been 188, *Melvill* 96——The total additional demand for officers 508, *ib.* 97.

Staff Corps. Great inconvenience arises from the want of such a corps, *Napier* 793——The pay should be only just sufficient to cover the additional expenses, *ib.*——The effect would be fully worth all the increase of expense, *ib.*——The plan has been suggested ever since Lord Hastings's time, but it has been supposed impossible to work it satisfactorily; it has been very carefully considered, *Viscount Hardinge* 1977, 1978.

Stamp Duties. There are no stamp duties in the Supreme Court, *Ryan* 2502; *Perry* 2749——In the native courts they are very oppressive to the poor suitor, *Perry* 2750——An immense expense is incurred in stamped paper, *Reid* 2839——It is a considerable burden upon the suitors, *ib.* 2843. 2845——In the Moonsiff courts the stamp duty is much lower than in the higher courts, *ib.* 2846——It is particularly heavy upon the smaller class of suitors in the Company's courts, *Islam Khan* 4781.

Stamps are imposed upon almost every proceeding in the Mofussil courts, *Ryan* 2504——Every paper must be stamped, *Perry* 2750——There are stamps for the most trivial complaints, *Reid* 2841——Stamps are absolutely required in the courts of the Government of India for a great number of judicial proceedings, *Halliday* 3353——Are not defensible upon principle, *ib.* 3354——The revenue derived from them is not very great, *ib.* 3357.

The institution stamp is a very heavy stamp, and a very considerable obstruction to appeals; it ought to be abolished upon appeals, *Baillie* 3984. 4115——The *ad valorem* upon an appeal is a great obstacle; statement of its amount per cent., *ib.* 4032. 4115——The abolition of the stamp upon petitions would tend very much to the benefit of the ryot, *Duff* 6211.

If an improperly stamped document were tendered in evidence, is of opinion that the judge would stay the proceedings until it was properly stamped, *Baillie* 4119, 4120——The Stamp Act only extends to the Regulation Provinces, *Willoughby* 3236——It originally formed part of the Elphinstone Code, *ib.* 3241.

See *Law.*

Statistical Returns. An annual body of statistics for India of the nature of the annual Colonial Blue Books recommended, *Trevelyan* 6881. 6883.

Steam Vessels. Statement of the recent additions to the Indian Navy, *Cursetjee* 1678——They are built at Bombay, and receive their machinery from England, *ib.* 1696——They cost about 30*l.* per ton, "ready for sea," exclusive of machinery, *ib.* 1698-1701——Coals for the steam vessels are sent from England, *ib.* 1691——There are no screw steamers in the Company's service, *ib.* 1735.——*See* further *Indian Navy. Packet Service.*

Stipendiary Magistrates. There is generally a native on the bench of stipendiary magistrates, *Hyder Jung Bahaudoor* 4757——The stipendiary magistrates have the control of the police, *ib.* 4764——Number of them, *ib.* 4765.

Stirling, Mr. Andrew. The plan for the English college at Delhi was carried at Calcutta principally by his decided support, *Trevelyan* 6594.

Studs. Is of opinion that they ought not to be kept up, *Napier* 813.

Succession to Property. Under the Hindoo law succession hangs very much upon the due celebration of the obsequies of deceased parents and ancestors, *Duff* 6128.

Sudder Court. The circular orders issued by the Sudder Court sometimes explain rules of law, and sometimes they contain rules of practice, *Reid* 2850.

Reports, 1852–53 —*continued.*

Sugar. Is extensively grown in Bengal, and is considered by the natives a great luxury, *Wise* 5370——It is manufactured by each cultivator for himself, *ib.* 5372——It was exported largely a few years ago, *ib.* 5370——But the exportation of it has since declined, owing to the fall in the price, *ib.* 5375.

Suits at Law. In India they are divided into summary and regular suits, *Reid* 2912————Their average duration has of late years been reduced to less than one-half or one-third the time formerly occupied, *Duff* 4207.

Superintendent of Bazaars. He has police authority in military cantonments, and adjudicates cases of petty assaults on natives by British-born subjects, *Willoughby* 3259.

Suttee. Before putting it down in India it was found that there was no authority for it, according to the best treatises on Hindoo law, *Halliday* 3682——The abolition of it in 1829 was opposed by the same party which has got up the memorial about the Lex Loci, *Marshman* 6558——It was abolished by Lord William Bentinck, *ib.*; *Trevelyan* 6651——But before it was abolished a regulation was passed continuing it under certain restrictions, *Bird* 7147.

Syuds. Are less likely than any other tribe to submit to doubtful authority, *Lushington* 4560.

T.

Tamul. Instruction ought to be given in it as well as in Teeloogoo, *Rev. H. Melvill* 5011, 5012——Is the root of the languages of Southern India, but even in Tamul the proportion of Sanscrit is very large, *Wilson* 7293——It is a very difficult language, *ib.* 7295.

Tanjore Mission. Is the oldest mission in India, *Tucker* 8351.

Tanks. No less than nine tanks were made for supplying water over the Thull Ghaut, *Thornton* 7502——Tanks are of immense importance in the Madras Presidency, *Sims* 8729——They are not excavations, but embankments intercepting and retaining the drainage for the purpose of irrigation in the dry season, *ib.* 8729. 8857——They are all very ancient, *ib.* 8731, 8732——Chiefly constructed by the Hindoo Governments, *ib.* 8733——A number of them are in tolerably good order; a large number capable of much improvement, *ib.* 8855——And a great number are in ruins, some of which might be restored, *ib.* 8856——They are of all sizes, from twenty yards to nine miles in length, *ib.* 8858——Every village in South India has its tank, *ib.*——Under the Hindoo Government they were kept in repair by a tax upon irrigated land, *ib.* 8859——The Government keep them in repair now, *ib.* 8859. 8861——How constructed, *ib.* 8862——Generally speaking, they were in a very neglected state when the country came into our possession, *ib.* 8864——They are not generally in as good a condition under zemindary management as under ryotwar management, *ib.* 8867——The tanks in Candeish are very few indeed; the country exceedingly requires them, *French* 8907——Patells are fully equal to the construction of small tanks, *ib.* 9013.

See also *Canals. Irrigation. Public Works.*

Taxation. The land-tax is almost the only source of revenue, *Caldecott* 5539——There are no indirect sources of taxation in India, *ib.*——Personal property is untaxed, *ib.* 5540——It is very difficult to levy any tax, and the Indian Government has no power of increasing taxation in the event of any new demand on their revenue, *ib.* 5541, 5542——Does not think that the natives would complain of taxes levied on them being applied in support of a religion hostile to their own, *Bird* 7170. 7175.

Tea. The Government have transferred all their interest in the growth of tea in Assam to a company, and a company is also in treaty for the Government tea plantations in Kumaon, *Thornton* 7537.

Teak. Teak is the only wood that resists ants, *Cursetjee* 1744, 1745——The Malabar teak is preferable to the Moulmein, but the best is the northern teak from Guzerat, *ib.* 1752, 1753.

Technicalities. They are not numerous in the Moonsiffs' courts in India, *Reid* 2816——Considered them so mischievous and dangerous, that a resolution was proposed to remedy the inconvenience, *Lushington* 4420——It was that informality should not necessarily vitiate proceedings; it was approved of by the Agra court, but rejected by the Calcutta court, *ib.* 4532——Does not attribute their encouragement to a desire on the part of the judge to lessen labour, *ib.* 4430——But rather to a desire to rely upon English law and English practice, *ib.* 4431——Technicalities are exceedingly mischievous and very disagreeable to the natives, who, however, do not hesitate to avail themselves of them, *ib.* 4423.

See *Administration of Justice. Courts of Justice. Judges. Laws.*

Temple Lands. Are undoubtedly held under a religious trust, *Marshman* 6533.

Reports, 1852-53—*continued.*

Tenasserim Provinces. Prisoners from Calcutta and Madras are transported to Arracan and Moulmein in these provinces, *Marshman* 5187.

Tents. Are always required in India, *Napier* 869——You cannot go without them, *ib.* 871——Are always used in moving from station to station in the Lower Provinces, *Halliday* 3455.

Tenures. The subject of land tenures is very complex, and there is no regular way of acquiring a knowledge of it, *Duff* 6234——Would make the judicial determination of cases of landed tenure part of the executive, *Campbell* 3854——Hindoo tenures are particularly connected with the celebration of the funeral obsequies of their departed ancestors, *Duff* 4167——Description of the different land tenures in India, *App.* (C.) *Third Report, p.* 144.

Tenures in India. They vary very much in different districts, *Torrens* 8548——Sources from whence a knowledge of them was obtained, *ib.* 8547.

Thahoors. Are a turbulent class connected with Gwalior, *Caldecott* 5460——The insurrection in the Saugor district was very prevalent among them, *ib.*

Thornton, Edward, Esq. Is at the head of the Statistical Department at the East India House, 5964——Never was in India, 5966——Education in India is of recent origin; it has sprung up within the last thirty years, 5967——There are now fifty-nine colleges and schools, where European literature is taught, independently of some 300 or 400 vernacular schools, 5967-5970——On the whole there are more schools now than there ever were before, 6023——No attention is paid to caste in the European schools, 5971-5973——Education has made the most progress in the North-west Provinces of Bengal, 5974——It is seized with avidity by the population there, while in the Lower Provinces there is great apathy, 5976. 6041——The people of the two provinces are different in character, and there is a difference in rights, 6042.

The professors or teachers in the European schools and colleges are sent from England; their nomination is part of the patronage, 5977-5982——A knowledge of the language of India is not required, as the whole system is taught through the medium of the English language, 5984——Which the natives are first taught in one of the subordinate schools, 5985.

The whole range of European literature and science is taught in the higher colleges, 5992——A link is perhaps wanting to give the men so educated employment; there is no connexion between the Educational Department and the Revenue and Judicial Departments, 5995. 5999——The object of the Company has been the formation of a vernacular literature, 5996——And by that means to instruct the masses, 6015——There is no vernacular literature at present, 5997——A reading public is about to spring up from the vernacular instruction now communicated, 6018——It has a tendency to lead to a diffusion of English knowledge, 6021——In some colleges, civil engineering and mechanics are taught 5994. 6004.

The sum contributed by Government has increased gradually since 1823, 6005——Some of the colleges are quite independent of Government, having been endowed by the native princes, 6007. 6009——Considers that the effects of education may be distinctly traced in the superior employments for which the natives are now eligible, 6010-6012——You train a select few, with a view to making education descend to the lower classes, 6016——There is a great disposition to acquire educational knowledge for the purpose of public employment, 6019——There is not any reluctance to learn English, 6020.

A great many attempts have been made by Government to effect a translation of useful English works into the native languages, 6030——They have charged themselves with the formation of a vernacular literature to a certain extent, 6032——A number of English works have been translated by the natives, 6050-6053.

Medical schools have been particularly successful in India, 6035——Caste has not at all interfered with them in the details of surgery, 6036-6039.

Has no educational statistics beyond the sketch in the blue book, and the returns made to the House of Commons, 6040. 6043——But reports are made from the Board of Education to the Government, 6043.

Has only heard of a very few natives coming to England to prosecute their studies here, 6045——No means are afforded by Government for that purpose, 6046——Always heard that the Mahomedan standard of literature is higher than that of the Hindoos, 6054——Cannot say which of the two make the greatest progress in the Government schools, 6055.

[Second Examination.]—The principal works carried on by the Indian Government have been canals and roads, 7462——Canals may be classed into those supplied by rivers fed from the snows, and from rivers fed by the rains, 7463——The whole stream of the Jumma has been diverted into two canals, 155 miles above Delhi, called the Eastern and Western Jumma Canals; they re-unite at Delhi, 7465——They were restored by Lord Hastings between 1823 and 1830; 7467——The two main branches are precisely what they were before, 7468——There is no system of irrigation on the Nerbudda and Taptee, 7469——But there are systems on the Godavery and Cauvery, and the Kistna is about to be so appropriated, 7470. 7474——They are not exactly canals; the water of the rivers is dammed up, and applied to purposes of irrigation right and left, 7473——The first section.

Reports, 1852-53—*continued.*

Thornton, Edward, Esq.—continued.

tion of the Ganges Canal is to be opened this year; when complete it will measure, with its branches, 700 or 800 miles, 7475——It will cost 1,500,000*l.*; 7476——At times it will be available for navigation, 7478.

The Home authorities have sanctioned 500,000*l.* for the Ravee Canal, in the Punjab, 7480——Both Umritsir and Lahore are to be supplied from it, 7482——Its effect upon cultivation in the Punjab will depend upon the issue of water; a cubic foot per second is equal to the annual irrigation of 218 acres, 7483——The people only irrigate about one-third the surface; a cubic foot per second, therefore, will irrigate about one square mile, and a large tract of country will be brought under cultivation, 7484——There are systems of irrigation upon a small river in the Derah Dhoon and upon two or three in Sirhinde, 7485.

The principal trunk roads in India stated, 7486-7488——The road from Calcutta to Delhi is macadamized, and, with the exception of the Soane and Jumma, a bridge road, 7489——The carriage dawk leaving Calcutta reaches Lahore on the sixth day, which gives a speed of eight miles and a half an hour, *ib.*——The Delhi road is available for commercial purposes, 7490——Statement of the average expenditure upon roads, canals, embankments, and bridges, 7492-7494——The grand trunk road from Calcutta averaged about 1,000*l.* a mile, and it costs 50,000*l.* a year to keep it up, 7495——The Bombay road averaged 330*l.* a mile; it is what is called a fair weather road, 7496——On the Ghauts the Government had to provide a supply of water in addition to making the road, 7497. 7502——The Bhore Ghaut toll has answered well, 7497——There was no law authorising tolls in India until 1852; 7498——Is not aware of any tolls except upon three or four of the Ghauts, 7499. 7556, 7557——The Government also erect travellers' bungalows, 7500.

The road from Madras to Poonany is open, 7504——And a railway is now proposed, 7505——There is a railway from Bombay to Tannah, and on to Calian, about thirty miles, 7506——And the first section of the Bengal Railway must be nearly completed, 7507——The railways are being constructed by private companies, with a guarantee, 7509——Amount for which the guarantee is given, 7510, 7511, 7512——Believes it is a settled point that European Governments never work so well as private companies, 7513——Statement of the other lines now projected, 7515.

The electric telegraph has been laid down from Calcutta to the port of Kedjeree, and it is proposed to lay down a system connecting the three Presidencies with each other and with Agra, Lahore, and Simla, 7516——At a cost of about 35*l.* a mile, 7517.

The result of deepening the Paumbum Passage, between Ceylon and the main land, is that large vessels now pass through it instead of going round the island, 7519-7522.

With regard to the trigonometrical survey, an arc of about 1,100 miles has been measured from Cape Comorin to the Himalayas; the great atlas of India, on a scale of four miles to an inch, proceeds pari passu with the survey; has seen seventy or eighty sheets of it, 7523——It may be completed in about five years, 7524——The area, triangulated to the end of 1848, amounted to 477,044 square miles, at a cost of about 14*s.* per square mile, 7525.

The works upon the Godavery are all completed, 7526——The result of the works is, that the revenue has been increasing for years, 7530.

The survey and settlement of the North-western Provinces together cost about 500,000*l.*; every field has been measured, and the interests of the landlord and tenant ascertained and recorded, 7532.

It does not appear that there has been any increase in the export of cotton from India, resulting from the experiments of the East India Company, for the purpose of introducing American cotton, 7533——Statement of the export of cotton, 1844-45 to 1849-50; the only difference is, one year a larger portion goes to China, another year a larger portion comes to this country, 7533-7535——Thinks that India can export no more at a profit; you cannot at present get it from the interior, 7535——Salt sold at Calcutta, at 1*d.* a pound, costs 2*d.* a pound much adulterated at Benares, 7536.

Government has transferred its interest in the growth of tea in Assam to a company, and a company is now proposing to purchase the tea plantations in Kumaon, 7537.

Experiments with a view to improve the breed of Deccan sheep, to introduce the culture of silk at Bombay, and to improve the breed of Deccan horses, have been made and failed, 7542.

In the accounts of the Indian Government, the sums under the head, Buildings, roads, and other public works, may be understood as representing the real expenditure upon works of public utility, exclusively of the surplus ferry funds, 7546-7551——Which may be about 100,000*l.* per annum in the North-western Provinces, 7552——Believes that the transit duties recently abolished were not originally established as a form of tolls for the purpose of maintaining the communications, 7558——With the best macadamized roads in the world, you could not make India an exporting country without railways, 7559——We may judge of it from a comparison of the price of salt at Calcutta and Benares, 7560.

Reports, 1852-53—*continued.*

Thuggee. Does not prevail in Bombay to the same extent as in other parts of India, *Willoughby* 3133——The Thuggee Department in Bombay has worked most admirably, *ib.*——The Thugs have been pretty well put down, *Wise* 5272——They are excellent Hindoos, good subjects, good parents, and exemplary in all relations of life, except that of travelling companions, *Trevelyan* 6779——The only difference between one of the Thugs and Mr. Wilberforce is, that the conscience of the one was wrongly informed, but that of the other rightly informed; both were equally under the influence of religion, *ib.* 6780——There is a colony of them at Jubulpore, where they are taught trades, under surveillance, in a kind of barrack, *Caldecott* 5518. 5520.

Tinnevelly District. The prevailing class of people is peculiar; by profession they are palm climbers, by religion devil worshippers, *Duff* 6165——There are very few Brahmins in that part of India, *ib.*——Statement of the way in which the conversions in the Tinnevelly District have been effected, *ib.* 6168——A bishop may be wanted there, if Dr. Dealtry cannot exercise the necessary superintendence, *Bird* 7168.

Statement of the progress of the Church Missionary Society at Tinnevelly, *Tucker* 8250 *et seq.*——There is a marked difference between the Christian and Heathen districts in the habits of the people, their cleanliness, order, and intelligence, *ib.* 8257——Christianity has had considerable influence over the social state of the whole community, *ib.* 8260——The object of the Church Missionary Society is by giving aid to induce the natives to support their own ministers, *ib.* 8261——The statement of the hindrances which the native Christians meet with, as detailed in a petition from the inhabitants of one district, is in the main true, *ib.* 8267——Nature of such hindrances, *ib.* 8268——Some of the oppressions complained of do arise from their being Christians, *ib.* 8272——Statement of the machinery in operation for vernacular and English schools, and for the preparation of suitable educational works, *ib.* 8305——And of the further plans of the Church Missionary Society, *ib.*——The Tinnevelly mission commenced in the time of Schwartz; it has been especially successful among the Shanars, *ib.* 8353.

Tinnevelly and Canara are the most promising parts of India in a Christian point of view, *Right Rev. Bishop Spencer* 8377.

See also *Christianity. Conversions. Missions.*

Tirhoot. Education is more backward in Tirhoot Zillah than in any other, *Duff* 6072——There is not a more flourishing or a more prosperous district in India than Tirhoot, *Trevelyan* 6743.

Titles. Scale of titles drawn up under Lord William Bentinck's direction, with a view to honouring distinguished natives, *Trevelyan* 6893.

Toleration. Is founded on perfectly equal treatment; the essence of toleration is equality, *Trevelyan* 6843.

Tolls. The toll of the Bhore Ghaut, on the Bombay and Poonah road, has answered extremely well, *Thornton* 7497——There was no law authorising the levying of tolls until 1852, *ib.* 7498——Is not aware of any road tolls in India, except upon one or two mountain passes, *ib.* 7499.

An Act of the Government of India was passed, either in 1851 or 1852, authorising Government to levy tolls on all roads thenceforward made or repaired at their charge, *Thornton* 7555——It has not yet come into operation, except in the mountain passes, *ib.* 7556——Is of opinion that the transit duties were not originally established as a form of tolls for maintaining the communication, *ib.* 7558——To put tolls on a new road would have an injurious effect, *Kennedy* 7631——Would be very difficult to levy, *ib.* 7632——In the plains the road is often the only part upon which people do not travel, *ib.* 7647——A good deal has been done to lighten former tolls upon merchandise, *ib.* 7633——Believes that they were levied not with respect to repair, but as an item of revenue, *ib.* 7635——A tax, *ib.* 7636——It was the intention to apply the tolls taken at the ferries to form a fund for the formation of cross roads, *ib.* 7638——Is of opinion that more advantage is derived from the freedom of commerce than from tolls, *ib.* 7640——The only sound principle of roads is to make them, and leave all the world to travel on them freely, *ib.* 7643——It would be more profitable in the end, *ib.*——Is of opinion that the people would not object to paying tolls if good roads were made, *French* 9021.——*See* also *Roads.*

Tora-Gras. Is a certain annual payment from the public treasury, which was allowed under Mr. Elphinstone's government to a class of men in Guzerat, called Grassias, in lieu of a sort of black mail formerly levied by them upon the villagers; it has been held by the Sudder Court at Bombay to be saleable, *Willoughby* 3142.

Torrens, Robert, Esq. Statement of services in India, 8420——Has been engaged in various branches of the revenue and judicial system, 8421——As commissioner of revenue and superintendent of police, had charge of about 1,500,000 persons in Chittagong, 8422–8424——Duties of witness stated, 8425.

The police as now organised is not efficient, 8427——The want of energy and the want of integrity about the native police, is the grand objection to employing them; also little

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little assistance is afforded to them by the natives of the country, and there is a general tendency to commit perjury, 8428.

It is of great importance to reduce the extent of the districts which are placed under the magistrates, 8429——And the arrangement by which the magistrate is also the head of the police of the district is very objectionable, 8430. 8623——Not only in theory, but in practice, 8432——Making use of the landowners in aid of the police would be attended with considerable risk, 8433——Would not trust them in criminal cases with any power either as police or as judges, 8435.

Considers that the judicial office is sometimes improperly interfered with by Government; it ought to be made more independent, 8436—— Refers to a case where the Government wrote to the judge at Chittagong laying down the views and determination of Government with reference to the perpetual settlement for his guidance, 8438-8457—— Also to a case in which the Government wrote a letter to the superintendent of police, complaining of the apathy of the police, and directing him to send a copy to the magistrate, which witness thinks had a tendency to bias his mind with reference to a criminal case then before him, 8459-8472——The magistrate was in some degree responsible for the conduct of the police, 8473——It is almost inevitable from the confusion of the two duties, that interference which would be fair enough in one case, would be improper in the other, 8474——The superintendent of police is over all the magistrates as regards the police, 8475——Thinks that the magistrate was biassed in the case referred to, or he would have taken the evidence in the presence of the accused, 8470. 8476——In petty cases, it was not usual to summon the accused until the evidence was taken, and the magistrate could decide whether it was necessary to summon him or not, 8480——But the case in question was a very important case of homicide, 8481——Arising out of an affray for crops close to the Governor-general's house at Barrackpore, 8482, 8483.

Thinks that the magistrate cannot dispassionately consider the evidence, if he exercises the united duties of police-officer and magistrate, 8485——And in consequence, appeals are very much multiplied, 8486——Had great distrust of native evidence; was generally guided by circumstantial rather than by direct evidence, 8488.

The magistrate appointed the subordinate police, subject to the control of the superintendent of police, 8489——Generally speaking, it is quite a lottery who are selected as the very subordinate police, 8491——They appeared in too great numbers to be put forward by the native officers, 8493——Witness probably selected the most athletic looking, and the man who might be recommended, if any inquiries were made, 8496——Was constantly obliged to dismiss them, 8498——They were perfectly inefficient, 8499, 8500—— With regard to the subordinate police, the deficiency of the system is general, not exceptional, 8502——Additional European superintendence would improve the police, 8503—— Deficiency of pay is also an objection, 8505——They have swords and shields provided by themselves, 8509.

Evidence as to the condition of the people, 8511 *et seq.*——The practice of old families and large landowners is to be exceedingly wasteful and disregardful of their money, 8516 ——Considers that cultivation was considerably extending, 8523——Newly cultivated land is assessed on the russidee jumma, that is, a yearly progressive increasing rent, 8525—— A man wishing to bring land under cultivation, must apply to collector, 8528——Who would give him a lease at the progressively increasing jumma, 8529——He would enter into his agreement for the rent before beginning to till the land, 8537.

Was appointed acting collector with the full powers of collector after having been in the service ten or eleven months, 8539——Had not sufficient information to be able to perform satisfactorily the duties of the office, 8540——Nor time to acquire a knowledge of the tenures of India, 8541——A knowledge of the tenures is acquired from reading books, 8546, 8547——They vary very much in different districts, 8548——The most important cases affecting right to property brought before witness, were resumption cases, 8550——The la khiraj, or rent free cases, were another description of cases, 8551——In these, the validity of the document under which the lands were held, is the principal point to be looked to, 8554——The genuineness of the documents was often doubtful, the natives being accomplished forgers, 8557, 8558——A considerable number of them were registered, 8560——Considers that no length of proved occupancy rent-free would establish a presumption of an original good title; a document must have been produced in every case, 8565——But proof that a lost document had been registered, would be sufficient, 8566 ——But not proof of a tenure rent-free from the time of Akbar, 8567——Registration was required by a British regulation, 8569——The collector's records are not carefully kept generally, 8571.

Has detained witnesses in order to prevent their being tampered with or going away without giving their evidence, 8577-8580——They may often have come from a considerable distance, 8581——Had often to come to witness's court a distance of considerably upwards of 100 miles, 8588-8592——For the most trifling cases, even of petty assault, 8593——There were grievous dacoities in witness's district, 8600——And only a few guard boats to repress them, 8601——There were several land dacoities, 8605——Could not

Reports, 1852-53—*continued.*

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have removed the magistrate elsewhere nearer the centre of the district, unless a separate superintendent for the gaol at Allipore had been appointed, 8594——The superintendence of the gaol is always connected with the magistracy of the district, 8606——The actual governor of the gaol was an uncovenanted European, 8608, 8609——Holding a very subordinate position, with small allowances, 8610——There might be about 1,100 prisoners ordinarily in Allipore gaol, 8611——Is of opinion that it would be inconvenient to unite the superintendence of the gaol with the magisterial office in Calcutta, 8614——The inconvenience of uniting the superintendence of the gaol with the magistracy of the district is not so great now that there are so many deputy magistrates, 8618——They are all uncovenanted servants, 8620.

The extreme youth too often of the magistrates is another just cause of complaint against our criminal tribunals in the Lower Provinces of Bengal, and in the Upper Provinces too, 8623——Extract from a letter written by witness to the register of the Sudder Court on the subject, *ib.*——Mentioning seventeen cases where the magisterial power was exercised within eighteen months after being declared qualified for the public service, 8624——The magistrate has no one to assist him in his duties from the first, 8628. 8632——The system is still continued in the Upper Provinces, but it is not carried to such an extreme extent in the Lower Provinces at present, 8633.

With a view to training persons for the judicial office, would keep the judicial department separate from all others, and have the covenanted functionary appointed to some very subordinate office, and so trained for higher employment, 8638——He should have the practical education which is always obtained by persons destined for the legal profession in this country, 8642——He might be required to attend the courts in Calcutta, or with equal advantage the court of some judge of repute in the Mofussil, 8645.

In the experience of witness gentlemen are sometimes appointed to the Sudder Court who have not had much, sometimes not any, judicial training; does not concur with Mr. Millett that the Sudder judges generally were officers of the greatest judicial experience, 8649——Would not raise vakeels of experience directly to the Sudder bench, 8656——It is almost the rule now to appoint gentlemen to the Sudder who have had no previous experience, 8658.

Tours. Great advantages would be derived in the Lower Provinces from tours made by the Governor, *Halliday* 3648——Annual tours by the governors of Presidencies are highly desirable, *French* 9035——They need not be expensive, *ib.* 9036——There is no necessity for a large retinue, *ib.* 9037.

Tours of Inspection. Have been disapproved of by the Court of Directors, which is much to be regretted, *Sims* 8778.

Trade and Navigation of India. Return of the amount of imports and exports in each year, 1834-35 to 1849-50, *App.* (C.), *Third Report, p.* 154 *et seq.*

Transit Duties. Were heavier upon cottons manufactured in India than upon cottons exported from England, *Trevelyan* 6638——The preliminary steps towards their abolition were taken by Lord William Bentinck, *ib.* 6651——Their abolition was entirely owing to the freedom of the press, *ib.* 6659.

Translation. There was no difficulty in translating the Macaulay Code, *Ryan* 2363——Objections on the ground of the difficulty of translation do not apply to a criminal code, *Perry* 2653. 2656——The translation of the Bombay Regulations has been pronounced infamous, *ib.* 2647——It was made by a very distinguished Oriental scholar, General Vans Kennedy, *ib.* 2649——There was no difficulty in translating the Elphinstone Code into the Gujerattee and Mahratta languages, *Willoughby* 3156, 3157.

There is no difficulty in translating any but the most technical and English-like laws into the native languages, *Halliday* 3472——It would be very desirable to translate into the Indian language some of the most valuable European works, *Duff* 4146.

The business of translating English into an Eastern language is a very difficult one, *Perry* 5893——In scientific works they are obliged to adopt the English word bodily, or employ a dead language, the Sanscrit, *ib.*——A great many attempts have been made to effect a translation of English works into the native languages, *Thornton* 6029-6033. 6049-6052.

Literal translations of English works would be found to a certain extent inappropriate, *Duff* 6189——Adaptations or transfusions are rather required, *ib.*——The difficulty of translating has been one of the great obstacles that the promoters of education have had to encounter; the three different modes of translation explained, *Norton* 6289——Translations of the Bible, especially of the New Testament, could be very easily effected, *ib.* 6290.

See *Code. Education. Language. Law.*

Transport Service. Merchant ships cannot be relied upon for the transport service, *Cursetjee* 1708.——See *Indian Navy.*

Reports, 1852-53—*continued.*

Transportation. The system of transportation to the Straits is deserving of the highest approbation, *Halliday* 3536——The convicts are sent to Arracan, the Tenasserim Provinces, and the Straits, *ib.* 3535——Singapore, Malacca, and Penang, *ib.* 3538——There are about 2,000 of them in the Straits, *ib.* 3539——Their reception at Arracan, and in the Tenasserim Provinces, is not made a matter of complaint, *ib.* 3542——They very rarely return to India, *ib.* 3545——Transportation involves a violation of caste, and is always for life; to the native it has a mysterious kind of solemnity and horror, *ib.*——What is equivalent to tickets of leave is given to a certain class of convicts within the settlement, *ib.* 3546.

Prisoners from Madras and Calcutta are transported to the Tenasserim Provinces, *Marshman* 5187——It would deprive a man of all his property under the Hindoo law, not on account of the crime, but from the circumstance of having been compelled to cross the sea, *ib.* 6544 *et seq.*

Travancore. In the schools founded by the Rajah of Travancore, the Christian Scriptures are taught as a book of moral instruction, *Trevelyan* 6850——Converts have suffered severely in consequence of the corrupt state of the Travancore Government, *Tucker* 8239 ——Statement of the differences between the Church Mission and the Syrian Church in Travancore, and of the separation between them, *ib.* 8247——The success of the Church Missionaries has rather been favoured by the dispute about the property of the Syrian Mission, *ib.* 8361——Explanation of the nature of the dispute, and how it was terminated, *ib.* 8362-8364.——*See* also *Christianity. Conversions. Missions.*

Trevelyan, Sir Charles Edward, K. C. B. Has resided in India twelve years, 6570——Was a member of the Local Education Committee at Delhi, and originated the English College there, 6571——And when transferred to Calcutta was appointed a member of the General Committee of Public Instruction, *ib.*

With reference to the fitness of the natives of India for public employment, is of opinion that at present the want of morality renders them unfit to take part in the actual Government of India, 6572——To appoint them to the Council would be to import an element of weakness and distrust, *ib.*——But they have very considerable administrative qualities, *ib.*——Native agency and European superintendence should be established as the principle of our Government of India, *ib.*——It is not desirable to put the natives too forward, *ib.*——Lord W. Bentinck's view with reference to the employment of natives in the public service, contained in a letter on Regulation V. of 1832, cited, *ib.*

Neither the natives nor ourselves are prepared for the employment of natives in the higher situations in the army, 6577——Remarks upon the irregular cavalry, 6578-6581 ——The natives in their present state of moral advancement are not qualified, and would not be held by their countrymen to be qualified for certain situations, 6582——The safe way of carrying out the eighty-seventh clause of the last Charter Act will be, not by elevating a few individuals above their countrymen, but by progressively extending the limits of employment for all the natives, 6583——But the proposition will not interfere with making the first appointments by competition, or admitting natives to that competition, 6584.

[Second Examination.]—There are no arrears of judicial business in Bengal and Agra, 6585——Remarks on the training of Europeans in the event of the higher situations only being reserved for the Europeans, 6586-6589——The final result will be the almost entire supersession of Europeans in the Judicial and Revenue Departments, 6590.

Statement of the progress made in native education from the establishment of the Mahomedan College at Calcutta by Warren Hastings in 1781, down to the grant in aid of the Hindoo College in 1823; 6592——Statement continued, 6594, 6595. 6625——Result of the proceedings, 6625. 6643——The Hindoo College has led to the establishment of numerous institutions, 6594——The next step was the establishment of the English College at Delhi, which was carried at Calcutta principally by the support of Mr. Stirling, the Persian Secretary, whose opinion was strongly in favour of the introduction of English instruction, 6594, 6595——The controversy on the subject matter of superior education arose shortly after, when witness was appointed a member of the General Committee of Public Instruction in Calcutta, and English was established as the language of superior education, by Lord W. Bentinck's resolution of 7th March 1835; 6595——The proceedings of the committee, and the resolution, were approved of by nearly the whole of the upper and middle ranks of the natives at Calcutta, 6596-6599——And subsequently by Sir Charles Metcalfe and Lord Auckland, 6625——The committee put a stop to the printing of Sanscrit and Arabic books, which were mere waste paper, while at the same time there was a most active demand for books in the English language, 6598-6602—— At the time that the Government were paying liberal stipends to the students at the Sanscrit and Arabic Colleges, the young men at the Hindoo College were paying large sums for an English education, 6603——The educated natives at Calcutta speak purer English than we speak ourselves, 6605——English is more easily acquired than Sanscrit or Arabic, 6606.

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Trevelyan, Sir Charles Edward, K. C. B.—continued.

The digesting of the laws into a simple and intelligible code, even supposing no alteration in them to be made, would be the most important educational measure that could be adopted, 6609——It is impossible to acquire a competent knowledge of the law as it at present exists in four languages, *ib.*——The facility with which the cessation of the use of Persian was accomplished affords the greatest encouragement to go forward in the same course, 6610——Evidence upon the substitution of English for Persian in the Political Department, 6611-6614——English is adopted to a greater extent than formerly in the Law Department; all the judges in the Bengal and Agra Presidencies are bound to record their decisions in English; the practice is very desirable, 6615——Witness's opinion is merely against the use of Persian, not against the use of the native language, 6617——English is bound up in the closest manner with the vernacular languages of India; the two must always go together, *ib.*

Everything which encourages an extended cultivation of the vernacular languages extends the cultivation of English, and increases the desire for it; in Bombay, without the elements of English, the merely vernacular schools languished, 6618——Number of applications for English instruction upon the opening of Hooghly College, 6619——Opinion of the Court of Directors upon the subject, as contained in a despatch dated February 1824, cited, 6620, 6621.

Suggestions for the promotion and extension of education, 6627-6632——Would carry into practice the spirit of Lord Hardinge's recommendation by the application of a University test, 6628——Considers that Calcutta is the best locality to begin with generally, 6633——Universities should be first established at the seats of the different Governments, because they are the centres of European influence, 6634——But would establish efficient English seminaries at all the Zillah stations, *ib.*——The influence of Benares is of a peculiar kind; it is a religious Hindoo influence, 6635——Would establish a college for instruction in the Arts; the natives have great capacity for Art, *ib.*——Plan for the establishment of such a college, 6637.

Evidence as to the duties formerly levied on India manufactured cottons in India, 6638——The amount of the remittances to this country from India is about 4,000,000*l.* annually, 6640——But the flow of bullion is into India, 6642.

Is of opinion that the system adopted by the Committee of Education in England might be transferred to India almost without alteration, with the difference of all possible cultivation of the vernacular in addition to the English instruction, 6643.

Does not concur in the opinion that after a certain period the faculties of the natives decay, 6644——But after leaving our schools, they return to their old state of society; way in which it should be met and provided for, *ib.*——Would carry into effect practically the eighty-seventh clause of the last Act, 6645——The clause lays down the principle, but the application of it is a matter of discretion, 6648——Besides employing the natives in the Government service, we ought to stimulate their activity, in improving their social institutions, 6645——To Lord William Bentinck belongs the honour of having placed our dominion in India on its proper foundation, 6649——Statement of the services performed by him for India, 6649-6651——Does not consider that the entire freedom of the press was a dangerous experiment; on the contrary, 6653——Approves of Lord W. Bentinck's measures and of Sir Charles Metcalfe's proceedings, during his interim Government, with reference to the freedom of the press, 6652-6657——The general opinion in India was in his favour, 6657-6659——The abolition of the transit duties is entirely owing to the freedom of the press, 6659, 6660.

The press in India substantially and effectually represents the feelings of the natives, 6661——The civil servants identify themselves with native interests in a very remarkable degree, *ib.*——There was very little discussion on the subject of the diminution of allowances when the press was free, 6662——Instances of the advantage of freedom of the press, *ib.*——The interests of the natives are represented by the press in a similar way as the interests of the client are represented by the advocate, 6664, 6665——The advocates for the introduction of English as a medium of instruction derived the greatest help from the press, 6666.

Further suggestions with a view to the diffusion of secular education, 6669 *et seq.*——Prefers the English system to the Irish system, and why, 6671——Natives are very much disposed to form endowments for the purposes of education, 6669——Giving assistance to the missionary schools, whose principal object is the conversion of the natives, would not be a violation of the Government pledge not to interfere in procuring proselytism, 6671. 6673——Missionary schools have two characters, the one religious with reference to an ultimate object, the other secular with reference to a proportion of the means employed, 6675——Schools should not be deprived of aid from the State because religion is taught in them, if secular learning is also well taught, 6677——The plan proposed will be applicable to all seminaries so far as they give secular instruction, and no further, *ib.*

The missionaries form an important element in the enlightenment and improvement of India, and have discovered the importance, in forming the mind of India, of the vernacular

Reports, 1852-53—*continued.*

Trevelyan, Sir Charles Edward, K. C. B.—continued.

cular languages and literature, 6678——Considers that without the interference of the State to preserve them, the Persian, Arabic, and Sanscrit would completely die out in the event of the law being codified, 6679, 6680——In such an event it would become the duty of the State to found professorships and scholarships to preserve the Sanscrit as containing the ancient religious and social system of the country, 6681——The Mahomedans generally adopted the language of the country they conquered, but always introduced Arabic as the religious language, 6682——Distinction between the Oordu, Hindostanee, and Hindee languages explained, 6684.

Further suggestions for the diffusion of education, recommending the establishment of English and vernacular normal schools, and a sufficient annual grant from the revenue; the sum at present given for educating the natives is beggarly and contemptible in the extreme, 6684.

[Third Examination.]—Extract from a pamphlet published by witness at Calcutta in 1834, on the subject of the employment of English in diplomatic correspondence with the native chiefs, 6685——Humanising influence of an English education upon the Rajah of Bhurtpoor, 6685. 6690——Instance of a desire on the part of the natives of a district to come under the government of the East India Company, 6690. 6693——It was a perfect sand, but has been converted into a flourishing district, 6694.

Remarks upon the class of Indo-Britons; their condition, 6698——Properly encouraged and trusted, they might be converted into most valuable agents in the regeneration of India in all departments, *ib.*——Does not consider that the ladies of that class are physically much better than the men, 6700——They must not be compared altogether with us, 6701——They are inferior to some races of the natives in physical qualities, but hold a very fair average position in point of physical qualities, 6702.

Opinion as to the effect of education upon the probable maintenance of the British Government in India, 6706——The Mahomedans regard us as Kafirs, the Hindoos as impure outcasts, and both as usurping foreigners; the effect of European learning is to give an entirely new turn to the native mind, *ib.*——And is the way to keep the Government of India as long as possible, 6707——For a long time to come it would be greatly to the disadvantage of India if a native government were to be established, 6708——Remarks on the policy pursued by Akbar and Aurungzebe, 6711-6714——Improvements in the social system of the Hindoos attempted by Akbar, 6714.

Advantages still to be derived, supposing our connexion with India to cease, 6715 *et seq.*——Considers that the result of improving and educating India will be to postpone the separation for an indefinite period; but an opposite policy may lead to a separation at any time, and must lead to it at an earlier period, 6719——Never contemplated the separation as an object to be desired, 6720——The progress of education will be most conducive to a continuance of our dominion, 6721. 6724——Our separation from India would be a signal for civil war all over India, 6723——Entirely concurs with Mr. Cameron's views in favour of the extensive employment of natives in the civil administration, 6725——Opinion of the Court of Directors to the same effect in 1830 referred to, *ib.*——Concurs with Mr. J. S. Mills' opinion, that in proportion as the native becomes trustworthy and qualified for high office, it is not only allowable but a duty to appoint him to it, 6727——An assimilation of the judicial and administrative institutions of India on all main points with those of Europe would much facilitate the employment of highly qualified Europeans in superior situations, *ib.*——Historical evidence in support of witness's views, 6727. 6744.

The permanent settlement of British-born subjects in India is much to be desired, and will powerfully conduce to the consolidation of our dominion in India, 6731——The state of the law in the Mofussil has no doubt been a great drawback to the settlement of the English in India, 6732——They would be on the side of the English connexion, and at the same time open-mouthed against local grievances, 6733——From the nature of the climate the number of European settlers will always be a mere handful, and therefore more disposed to side with the British Government, 6735——They will always be extremely influential in proportion to their number, 6737——The opinion as to the difficulty of rearing the children of European parents has been founded on our experience of Bengal, 6738——There is no reason why European settlers in the Upper Provinces should not have the same physical qualities as the natives, *ib.*——It is very difficult to apply a general principle to the whole of India, the Lower Provinces differ so entirely from the Upper, 6739——There is no example of permanent colonization of Englishmen in any tropical climate, 6740——Their vocation in such countries seems rather to be to govern and influence, *ib.*——A remarkable European race might arise in the Himalaya range, 6739——And have a great tendency to confirm our dominion in India, 6741——The presence of European settlers has a tendency to render our dominion more popular, 6742. 6744——Even under the disadvantage of their being under a separate jurisdiction, 6744.

Constitutional freedom and Christianity will at some distant period make India capable of self-government and self-defence, 6745——And it is our plain moral duty to govern

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Trevelyan, Sir Charles Edward, K. C. B.—continued.

India as well as we possibly can for the benefit of the natives, 6748——But we ought to retain our dominion as long as we can, in order to prevent the natives tearing each other to pieces, 6749——Refers to the existing state of things in China, in support of his views upon the Government of India, 6749——The best mode of retaining our empire over India, is by employing natives in posts of trust and emolument, and educating them so as to qualify them for performing their duties, 6752——Without a proper system of education, the eighty-seventh clause of the last Charter Act will be a mere mockery, 6753——Entirely concurs with the Marquis of Lansdowne's views, expressed in recommending the former Charter Bill in the House of Lords, 6755——The progress of education in medicine and surgery has been completely worked out and entirely successful, 6756——And has led to a great extension of acquaintance with the English language, 6757——Cannot reconcile the exclusion of the natives from the appointment even of assistant surgeon with the eighty-seventh clause of the last Charter Act, 6758——Would admit them to every medical department for which they may be qualified, *ib.*

The practice has not been carried to the extent of excluding the natives from all covenanted offices whatever, 6759——A great inroad has been made upon the covenanted service, especially in the Judicial Department, *ib.*——New offices have been created; but in other cases natives have been substituted for Europeans in covenanted offices, 6760-6764.

There is a covenant entered into between the civil servants of the East India Company who go to India and the Company, 6765. 6770——But never between any native servant and the Company, 6766——Because the native is in his own country, 6772——Reasons why some contract should be entered into with Europeans sent out from this country, 6767. 6770——But the exclusion of a qualified native from any office in order to favour the European civil service is contrary to law and a great injustice, 6768——It is considered a strong thing to put an European into an office for which a native is ordinarily eligible, 6773——The increase between the number of natives employed, viz., from 1,197 in 1828 to 2,818 in 1849, is much smaller than witness would have anticipated; it cannot include all the subordinate officers, 6774.

Reasons for increasing the action of the central Government, 6774. 6776——Considers that the employment of natives has been more carried out in Bengal and Agra than in Madras and Bombay, 6774.

The first effect of the new system of education is entirely to destroy the influence of the ancient system on the native mind, 6778, 6779——But with regard to its moral effect, inasmuch as all the vices, from murder downwards, have their patrons among the Hindoo gods, nothing short of conversion to Christianity will produce any real moral change, 6779, 6780——The effect of the European education is to destroy their faith in Hindooism, and give that knowledge and thought which must precede Christianity, 6781——It creates a conscience; the young men who have received English education are notoriously more truthful than the natives in general, *ib.*——Their position; reasons why they must go on to Christianity, and the circumstances which favour their progress, 6781——The natives educated at the English schools have become decidedly more truthful, and are better public servants than the others, 6783. 6787——The result of the extended employment of the natives in the Judicial Department greatly confirms that opinion, 6788——Though that experiment will not be fairly tried until they shall be adequately paid and properly trained and educated, 6789——Inadequate pay led to the greatest abuses in Lord Clive's time, 6791——Corruption was manifested as commonly and more unblushingly by the Europeans in those days, 6792——The means of properly educating and properly paying the natives are very closely connected, *ib.*——Statement of improvements by which expenditure may be reduced, *ib.*——Railways will be the greatest destroyer of caste; the greatest missionary; and the greatest diffuser of the English language, 6792, 6793——The result of recent inquiries is that the natives continue to improve in the manner in which they acquit themselves in their superior employments, 6794.

Statement of the progress of the missionaries, 6795——It was very slow until the natives became convinced that there was no possibility of coercion, 6796——Our present position involves great danger, if we depart from well defined and established principles; and the consequences of giving scope to enthusiastic religious feeling might be of the greatest possible prejudice, both to the progress of Christianity and to the continuance of our dominion in India, *ib.*——Considers a religious movement amongst the Hindoos, similar to that stirred up by Syyid Ahmed amongst the Mahomedans, to be quit possible, 6796-6798.——It is of the greatest importance to maintain inviolate the fundamental principle of our Government in India, which is that of complete religious neutrality, 6799.

Observations upon the policy of the Government remaining perfectly neutral upon all religious questions, including the opinions of Lord W. Bentinck and Mr. F. H. Robinson upon the subject, that of the latter tending to show the danger of a contrary course, 6800, 6801——Is perfectly convinced that the greatest danger to which the progress of Christianity in India is liable, and the greatest obstruction which it is likely to meet with, is the liability we are under to panic and reaction in the native mind, 6800, 6801——The prohibition to administer

Returns, 1852-53—*continued.*

Trevelyan, Sir Charles Edward, K. C. B.—continued.

administer religious trusts is a right regulation, 6800, 6801——It is, however, quite consistent with impartiality to afford equal assistance to all schools, Christian, Mahomedan and Hindoo, on condition of good secular instruction being given in them, 6802.

[Fourth Examination.]—The Bible is not admitted as a class-book into the Government seminaries, 6804——But it is in the libraries in connexion with the Government institutions, *ib.*——Though religion does not form a prominent branch of study in the Government seminaries, it is not carefully excluded, *ib.*——The primary design of the Government scheme of education is to advance the progress of civilization in India by the diffusion of useful knowledge, *ib.*——The design of the missionary institutions is to convert the natives to Christianity, *ib.*——Reasons in favour of the existing Government system in India, *ib.*——And objections to teaching the Bible as a class-book in the Government seminaries, 6804. 6840, 6841.

A mixed administration of Europeans and natives is the rule, and a very important rule, of all our institutions, 6805, 6806——The introduction of the Sacred Writings would lead to a considerable withdrawal of the natives from the educational institutions, 6808——It would be very difficult to obtain a tolerable Sanscrit or Arabic education, without acquiring a great deal of the Hindoo or Mahomedan religion; but it is quite possible to get a very good English secular education without any direct Christian instruction, 6809——A knowledge of the ancient Oriental books on religion is essential, in order to acquire a knowledge of the laws founded on them, 6810.

Probable extent to which Sanscrit and Arabic will be used in the event of the law of India being comprehended in the English and vernacular medium, 6811——Codification will incidentally tend to the diffusion of Christianity, 6812.

The most popular forms of Oriental literature are marked by the greatest immorality and impurity, 6814——And though there has been a great increase in immoral books, the increase in moral and Christian books has been greater, 6817——Never heard it even proposed that females should study the learned languages, 6819——Never heard but of one instance of a lady studying Persian, 6818. 6822——Is not aware of any injunction to keep the females in ignorance, 6823——There is a strong prejudice in the native mind against educating females; but it does not go to the length of a principle, 6824——It is of ancient date, 6826——But it is gradually yielding to the progress of enlightenment, *ib.*——It may have arisen from the impossibility of teaching them without making them acquainted with abominations, against which the native mind itself would have revolted, 6827-6830——But thinks that the primary reason is, that in order to keep the women in subjection and seclusion, it is necessary to keep them ignorant, 6833——The women are kept in seclusion generally throughout the whole of India, 6836——Instances of superior women referred to, 6837-6839.

The teaching of the Bible in native schools would be an infringement of our neutrality, 6840——And of the principle of toleration, *ib.*——Considers that toleration is founded on perfectly equal treatment, and to teach one or two religions, at the expense of the others, would not be toleration, 6843——Assistance is afforded to the Hindoo and Mahomedan Colleges, because you cannot teach their law separate from their religion, 6844——Would extend Government aid to all schools in which a good general education is given, 6846——Would include schools of all religions, 6848——Teaching of the Scriptures will always produce excellent effects where voluntarily adopted by the natives, 6851——The best plan would be to approximate the system in India as much as possible to that at home, 6853——Our ruling principle ought to be to give the best education which, on a sound general view, our fellow-subjects are willing to receive, 6853——The introduction of the system of affording assistance to schools of all persuasions will require very careful and prudent arrangements, 6856——We must take care that there is no appearance of any attempt at proselytism on the part of the governing power, 6857.

The majority of converts from among the educated classes were from the Hindoo College, 6858——Believes that the conversion of India will take place wholesale when society is saturated with Christian knowledge, *ib.*——And that result will be more accelerated by the principle of neutrality than by direct interference on the part of Government, 6859.

Government schools are periodically examined now, 6861——But it may be very much improved, *ib.*——Proposed way of dealing with the inspection of native schools, 6862. 6864.

A lac of rupees per annum is still due from 1813 to 1821, with compound interest, 6867——But that sum annually is totally and entirely insufficient for the duties to be performed, 6858——The sum annually voted should be fairly allocated amongst all the Presidencies and amongst their districts, *ib.*

When witness first went to India there was a general mental restraint and stagnation, produced by the penalties imposed upon editors and obnoxious newspaper writers, 6870——The first practical exemplification of a free press was the series of letters under the

Reports, 1852-53—*continued.*

Trevelyan, Sir Charles Edward, K. C. B.—continued.

signature of "A Friend to India," 6870——Entirely in English, 6871——As a general principle, there should be a free interchange of information and opinion between Government and their subjects; which may be obtained in India by a free discussion in the public press, 6870——Objections to, and reasons in favour of a free press in India stated, *ib.*——The existence of native newspapers would not cause any alteration of opinion in favour of the liberty of the press; they will always represent the actually existing state of the native mind, 6872——Freedom of the press, even under a despotism, might be useful to the Government, 6873——Extract from one of witness's "Indophilus" letters upon the point, *ib.*——The native newspapers circulate principally in Calcutta and its immediate neighbourhood, among the class who have learned to read their vernacular, 6874——Not much among those who have received a superior English education, *ib.* ——Nor in the country districts, 6876——The Persian papers at the native courts reflected the prevailing Mahomedan opinion; some were extremely rebellious, 6877—— They were of very great use, 6878.

The only real objection to the press in India is, that we have a free press in India with no proper information on the subjects which it is the business of the press to discuss, 6879 ——Suggestions with a view to improving the tone of public opinion, 6881 *et seq.*——It would be a very desirable object to make the records of the Government of India available for reference in India, 6880, 6881——Would recommend an annual body of statistics like the Colonial Blue Books, 6881——One object of the suggestions is to furnish Parliament with the means of habitually acquainting itself with the affairs of India, 6882——The course suggested would furnish an annual summary of the progress and improvement of the country, 6883——Plan in use in India in order to save time in reading long papers, 6886 ——Would recommend the correspondence of the Indian Government being placed on the same footing as our colonial correspondence, 6887——Remarks upon the influence of India throughout Asia, and the position she formerly exercised, and may be expected hereafter to exercise, 6887.

The civil service of India is remarkable for its purity amidst temptations to corruption, 6888——For its devotion to the public interests, and for the extent to which its members identify themselves with the natives, *ib.*——Privations which they are subject to, *ib.* ——Are not sufficiently distinguished by honours, *ib.*——Would not propose any separate Indian order; they should be brought into the category of those who have performed valuable service in other parts of the world, 6889——Admission to an Imperial Order would be highly appreciated by a civil servant, 6890——Among the secondary causes of the Affghanistan war, was a desire to satisfy the craving after European distinction, *ib.* ——Would extend honours to distinguished natives also, 6893——A great deal was done in that direction under Lord W. Bentinck, *ib.*——The natives attach more importance to their titles than we do to ours, 6895.

Indian training is not specially adapted to fit a man for successful colonial government, though if a proper selection were made, able colonial governors might always be obtained from the Indian service, 6896——With regard to the civil service, one of the best features of the proposed scheme for the Government of India is the admission of returned Indians into the Home Government, 6897.

Though too much attention has been given to the study of Oriental languages at Haileybury, they may to a certain extent be better acquired in this country than in India, 6897——Attaches the greatest value to the Sanscrit; it is a key to all the languages, *ib.* ——Way in which witness acquired a knowledge of it at Haileybury, 6898——Has a very high opinion of the course of study at Haileybury, *ib.*——Though too much attention has been given to Oriental studies, 6899——Generally speaking, witness concurs in the principle that the object of the English instruction ought to be to teach that which England can best furnish, and the object of the Oriental portion that which the East can best furnish, 6900—— A very important function of Haileybury is its function as a probation, *ib.*——Would always prefer a test accompanied with a term of continuous education, to determining the result by a mere examination, 6901——Haileybury is a very effective test of conduct, *ib.*—— The fourfold nomination was a great improvement on the state of things which previously existed, 6904——Its advantages, 6904 *et seq.*——The provision in the present Bill, of an examination in the last term by independent examiners, is of the greatest value, 6908—— Real uses of Haileybury, and objections to educating young Indian civil servants in common with others, 6909——The courses introduced at Haileybury cannot be united with our general university courses here, 6910——The proportion of distinguished professors and students is larger at Haileybury than it is at the universities, 6911——If the education for India were fixed at one of our universities, the prevailing spirit of the university would overlay the Indian College, 6913——It is specially desirable that all officers should go out with some knowledge of the Indian language, *ib.*——Not being acquainted with the language is to nourish feelings of prejudice and dislike to the natives, *ib.*

The engineers' corps in India is a decisive illustration of the advantage of the combined system of selection by merit and special training; there are no bad bargains there, 6914.

A course

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A course of instruction in the application of mathematics to mechanics and engineering would be of the greatest advantage, 6915——Is inclined to think that the period of instruction at Haileybury ought to be extended, in order to embrace such subjects, 6917——It would increase the power and influence of our officers, and probably extend the continuance of our dominion, 6918——Evils of direct appointments, *ib.*——Every establishment, whether commercial or for improved agriculture, is a model school of education and advancement for the Indians, 6919, 6920——Though a high character is given to the civil service, it can be still further improved, 6921——In proportion as we raise the standard of native education in India, so must we improve the character of our civil servants, 6922.

Trichinopoly. Recommended as the place of a bishopric for southern India, *Right Rev. Bishop Spencer* 8376——There is a considerable native population in the neighbourhood, *ib.* 8377.

Trigonometrical Survey. Its present state; the Atlas of India, on a scale of four miles to an inch, proceeds *pari passu* with it, *Thornton* 7523——The area triangulated up to the end of 1848 amounted to 477,044 square miles, at a cost of 14 *s.* a mile, *ib.* 7525.

Trust. No idea of a trust being connected with property was ever raised until Regulation 21 of 1850 was passed, *Marshman* 6529.

Tucker, The Rev. John, B. D. Was Secretary to the Corresponding Committee of the Church Missionary Society at Madras, 8228——And actually in India eleven years and a half, 8229——When in India visited the missions from time to time; Tinnevelly five times, and Travancore as often, 8231——Hands in a statement by the Church Missionary Society of their different stations, 8232; see *App.* (P.), *p.* 621, *Second Report.*——There are eighty-eight ordained missionaries in India, 8233——The affairs of the society are managed by committees; how constituted, 8234 ——The bishop is not an *ex-officio* member, though a member, 8235-8237——The missionaries have received very great and cordial assistance from the civil and military servants of the Company, 8238——The earliest mission is in Travancore, but the converts there have suffered severely from the corrupt state of the Government, 8239——The missionaries in the Punjaub speak in the most encouraging way of the character of the Sikhs, and of their readiness to hear and inquire into the truths of the Gospel, 8241——They are not trammelled by caste, and are a more intelligent and manly people than the Hindoos, 8242——The missionary at Kotghur has not had much success among the Hill people, 8244, 8245——The society have no missions in Mysore; it was pre-occupied by the Wesleyans; generally abstain from going where other Christians have occupied the ground before us, 8246——Statement of the differences between the missionaries and the Syrian Church in Travancore, 8247.

Statement of the progress made by the Tinnevelly mission, 8251 *et seq.*——The pastoral system is now being commenced there, 8253——The cleanliness, order, and intelligence of the Christian villages exhibits a marked difference from the heathen in the neighbourhood, 8257——The increase of Christianity has had considerable influence even amongst those who do not themselves receive Christianity, 8260——The object of the society is to induce the native Christians to raise a fund for the support of the ministry and the endowment of the church, 8261——They have subscribed largely, 8262.

Is of opinion that at present a distinct bishopric for the southern parts of India is not necessary, 8263——Should not consider Bishop Carr's proposed division of Madras and Bombay an improvement if carried all down the coast, 8266——Statement of the hindrances complained of by the native Christians in Tinnevelly, 8267 *et seq.*

There never has been a convert from those educated in the Government schools in the Madras Presidency, excepting one, 8280——There are more than forty from the missionary schools; the Scotch Free Church instruct their pupils fully in Christianity, 8281——They have 2,520 pupils, 8282——Reasons for not considering conversions a fair criterion of the success of the schools, 8283——Parents so desire the instruction of their children that they send them to the schools, well knowing that every effort will be made to bring them to Christianity, 8284——The Scotch Free Church educated a far larger number than the Government, 8284, 8285——But the Church missionaries in their converts, as results of preaching, are more successful, 8286——The Scotch missionaries have given themselves to education as the first thing, *ib.*

Concurs in the opinion that it is not safe to attempt to introduce Christian instruction into the Government schools as part of the system, 8287——But would allow Scripture instruction where the pupils wish it, and the parents do not object, 8288——Government should withdraw their veto upon the introduction of the Bible, 8288——Believes that Lord Tweeddale never contemplated introducing the Scriptures as a necessary part of education, but simply that permission should be given for the formation of classes, 8289——Is satisfied that the movement against his minute was a mere European movement, 8290——The introduction of the Vedas would offend the Brahmins, and the Koran is in a language not understood by the people, 8291——Does not think that there would be any difficulty in finding suitable persons who would teach the Bible seriously, not as a mere

Reports, 1852-53—*continued.*

Tucker, The Rev. John, B.D.—continued.

class book, 8293——Is not aware of any converts from the Mahomedans in Southern India, 8294——The Scriptures are admitted into the native Government schools in the Mysore, in the Nizam's territories, and in Travancore, 8294 *et seq.*——Condition upon which the Scriptures have been introduced into the Rajah of Travancore's schools, 8301——They are taught by an Englishman, formerly a sergeant in the army, 8303——The most desirable plan with a view to Christian instruction is to give grants in aid of all schools in which a certain standard of acquirement is attained, excepting those in which immoral books are used; a proposition has been made by the Madras Government to that effect, 8303.

Statement of the machinery in operation in the Tinnevelly district for vernacular and English education, and for the preparation of suitable educational works, 8305——The intention of the Church Missionary Society is to establish superior training schools, with model schools attached, *ib.*——It is making every effort to extend education, and to raise the tone and character of it among the native Christians, *ib.*——For the masses it would not be wise at present to attempt anything beyond vernacular education, giving English instruction where it is required; would have English education at the principal collectorates, and at the Presidencies; and the training system in its most improved form in this country should be adopted in India, 8306——Explanation of witness's plan for training schools, 8307-8310——Is contemplating one superior central training school at Madras, with its two model schools, English and native, 8310.

Madras is one of the healthiest places in the hot part of India, 8311——Languages spoken in the Presidency, 8312-8314.

Would contemplate ultimately establishing a university for granting degrees in India, 8315——They are very proud in the East of any distinction given to learning, 8318——Recommendations with a view to the establishment of such an institution, 8319.

Female education had been wholly disregarded until Mr. Bethune went out; the Governor-general has taken up his school, but Government have not rendered any assistance as a Government, 8320——The natives as a body are rather opposed to it, 8321——In southern India the only educated females are the Nauch girls, 8322. 8324——They are taught to read and chant songs and dancing, 8323——The idea prevails that female education must lead to the perusal of improper books, 8325——The Scotch Free Church School at Madras educates about 700 females, and the Church Missionary Society throughout India about 4,400; all missionary bodies are promoters of it, 8326——Way in which educated females are employed, 8327 *et seq.*——The beneficial effect is seen in the improved habits of the children when they enter the schools, compared with the habits of the parents when they were children in the schools, 8335.

The native Christians are most sincerely attached towards the British Government, 8336——Out of a total of 94,145 native Christians, 59,306 are connected with the Church of England, 8337——Less than one-half are children of Christian parents, 8338.

The Society is about to establish the itinerating system of missions in the northern part of Tinnevelly, 8341——But would not wish to see it extended without provision being made for a succession of pastors to take up the work when a missionary has met with success, 8342.

Government have made no provision for the education of the East Indian population in the Madras Presidency; their memorials to Government upon the subject have been unsuccessful, and a sum of 120,000 rupees has been lying idle since 1847, together with annual subscriptions promised to the amount of 8,000 rupees, 8344. 8347——The amount was insufficient to establish a college to the extent intended, 8348——The average annual expenditure of the Church Missionary Society is about 45,000*l.*; 8345.

The very great difference in the success of the missionaries in Madras and Bengal arises from the time which has elapsed since the mission work commenced in Southern India, 8351——The principal amount of conversion has taken place since 1816; 8354.

Strictly speaking, there is no direct missionary effort to make converts made by the Roman-catholics, 8355——The natives have a low estimate of their Christianity, 8356——Attributes the neglect to send out missionaries to the dissensions between the Goa priests and those under the Vicars-apostolic, 8359——The disputes between them relate to property, 8360——They have nothing to do with religion, 8362.

The disputes in Travancore about the property of the Syrian mission have rather promoted the success of the Church mission, 8361——The dispute was settled by arbitration, 8364——Lord Broughton's despatch, with reference to Juggernaut, is not yet fully carried out, 8365——As far as Madras is concerned, would wish the forbidding of the use of the Scriptures should cease, 8366——The difference between the moral character of the Christian, as compared with the heathen, is most marked, 8367——Wherever there is a body of Christians there it is recognised by the heathen themselves, 8368——Believes that our strength in India consists in the conviction that the natives have of our thorough integrity, *ib.*

Tweeddale,

Reports, 1852-53—*continued.*

Tweeddale, Lord. The principle of his minute, dated August 1846, allowing the Bible to be introduced as a class-book into the Government institutions, might be acted upon with advantage; though at the time it occasioned a good deal of remark at Madras, public opinion has changed in favour of it, *Duff* 6247——Extracts from the Madras press to that effect, *ib.* 6248; *App.* (H.), *Second Report, p.* 474——The Government proposed a scheme for founding schools in which Scripture instruction should be given, *Norton* 6284——But it was disapproved of by the Court of Directors, *ib.*

See also *Bible. Education. Religious Instruction.*

U.

Ulwar. Was not well governed, *Trevelyan* 6689.

Uncovenanted Servants. The number of European uncovenanted servants has increased of late years, *Trevelyan* 6773——In many cases they most efficiently supply the place of covenanted servants, *French* 8917. 8930. 8952, 8953——They are extensively employed in the North-western Provinces, *ib.* 8953.——See *Civil Service.*

Universities in England. Objections to establishing a separate college like Haileybury at the Universities for nominees to the Indian service, *Rev. H. Melvill* 4876. 4880——If Indian colleges were combined with them, the prevailing spirit of the universities would overlay the spirit of the Indian colleges attached to them, *Trevelyan* 6913.

Universities in India. The idea in India is, to put them upon the same footing as the London University, and to enable them to grant degrees to the students of all colleges affiliated with them, *Marshman* 5138——There is nothing of the kind in India, *Duff* 6067——A University might be established at Calcutta upon the model of the London University, at very little additional expense, *ib.* 6247——One should be established at each of the four Presidencies, upon the model of the London University in this country, *Marshman* 6466-6469——The degrees conferred should supersede the certificates now required, *ib.* 6470——They would grant degrees in law, and would give a very great stimulus generally towards the cause of education, *ib.* 6471——It would be advisable to establish them at the Presidencies, for the examination of students from all schools, *Wise* 7032. 7079——It would be of the greatest possible advantage, *ib.* 7080——Would undoubtedly be advantageous, *Bird* 7121——Assents to the plan entirely, *ib.* 7122——Recommends the establishment of one at Calcutta, at Madras, at Bombay, and at Agra, *Cameron* 7316——The natives are extremely desirous of it, *ib.*——The plan suggested was that of the London University, mutatis mutandis, *ib.* 7317——Should be established at each of the Presidencies, *Trevelyan* 6627——Plan upon which such universities should be formed, *ib.* 6627-6630——Should be first established at the seats of the different Governments, *ib.* 6634——The University system would improve the tone and character of education throughout India, *Cameron* 7322——A legal university institution would very much assist to qualify vakeels, *ib.* 7330——Cannot imagine that any good would arise from the establishment of universities, with the power of conferring degrees, *Wilson* 7278——Would contemplate ultimately the establishment of universities for granting degrees in India, *Tucker* 8315——Preparatory steps suggested, *ib.* 8319.

University of Calcutta. The disapproval by the Home Government of the recommendations of the Council of Education for its establishment was much regretted, *Marshman* 6568——Proposition for a University at Calcutta only, *Cameron* 7323——Should be created by Act of Parliament, or by the Royal Prerogative, *ib.* 7323——Thinks the natives would prefer the English titles of Master of Arts, &c. &c., *ib.* 7325——Plan for the formation of a senate to govern it, *ib.* 7351——Proposed plan of the University of Calcutta, *App.* (O.), *Second Report, p.* 618.

University Degrees. Should eventually be required as a qualification for admission to certain professions; but at first would only give a preference to them, *Cameron* 7326, 7327——There is nothing among the natives corresponding to them, *ib.* 7339——Would admit, as candidates for degrees, students from all schools and institutions, *ib.* 7347——The natives at the Presidencies would very much value any literary distinction, *Tucker* 8316. 8318.

University Test. The establishment of a university test with reference to public employment, would carry into practice the spirit of Lord Hardinge's recommendation, *Trevelyan* 6628.——*See* also *Education.*

Reports, 1852-53—*continued.*

V.

Vakeel. The word means an agent, *Baillie* 4076——The vakeels are examined, and must obtain a certificate before they can practise in our courts, *Willoughby* 3279——The system of examination is improving their character, *Halliday* 3329——Nature of the examination, *ib.*——Suggestions for improving their general qualifications, *Baillie* 4111——A vakeel is nearly as important in the administration of justice as the judge himself, *ib.*——The Government have determined to use every effort to raise their character, *Marshman* 5116——None can now practise who have not passed rather a stringent examination, *ib.* 5116. 5139.

The native pleaders have a very bad character, *Perry* 2685——In the Moonsiffs' Courts the vakeels are very bad, *Reid* 2826——They are very corrupt, *ib.* 2827——The practice of corruption is notorious, *Duff* 4223——They are practically the promoters of litigation throughout the country, *Hawkins* 4303; *Duff* 4221——It is very difficult to detect cases in which they have taken bribes, *ib.* 4222——The vakeels in the Sudder Courts are very superior to those in the Mofussil Courts, *Hawkins* 4311——In Calcutta there are some of a very superior class, *Duff* 4219——Ignorance and corruption exist among them to an alarming extent, *Norton* 6351——Legal education is the only course by which a better class of practitioners can be produced, *ib.* 6353.

At Agra, those who are best fitted to go on the bench, refuse to do so on account of the emoluments, *Lushington* 4521, 4522——They do not desire promotion to the bench, *ib.* 4540——Some earning good incomes might be induced to enter the judicial service if the salaries were increased, and a fair system of promotion instituted, *Duff* 4220.

How the vakeels are remunerated, *Baillie* 3995. 4105. 4108——They are selected by the parties, *ib.* 3998——A good many have little if any business at all, *ib.* 4109——Their remuneration is sufficient to secure qualified persons; has known vakeels to make 10,000*l.* a-year, *Hawkins* 4309——At Agra the incomes of some exceed the emoluments of the European judges, *Lushington* 4525——They generally get rich, *Hyder Jung Bahaudoor* 4717.

The duties of the vakeels, *Baillie* 3969——The situations of vakeel and native judge ought to be considered as branches of the same profession, *Baillie* 4029——Judges for the native bench might be selected from them, *ib.* 3971——They are the last class who ought to be appointed judges, *Duff* 4218——Since the judicial system has been regularly constituted, is not aware of any instance of a vakeel being promoted at once to any of the higher branches, *Baillie* 4028——Has hardly ever seen them practise in the Zillah Courts, *Reid* 2828——They rarely appear in criminal cases, *ib.*

Vakeels making large incomes, are equal to the Europeans in knowledge of the law, perhaps superior in acuteness, *Hawkins* 4314——One or two of them plead in English, but the majority of them in the Oordoo language, *ib.* 4315——Would have them plead in English, *Perry* 2585——Has found real eloquence in one or two instances only, *Hawkins* 4319——No pleader of any standing would be browbeaten by an English counsel, *Halliday* 3348——Some of the East Indians get on remarkably well as pleaders, *Hawkins* 4321——Many got a portion of their education at Hooghley College, *Wise* 6967, 6968——It was of a character to enable them to look up to the appointment of Moonsiff, *ib.* 6969——Description of the vakeels in the North-west Provinces, *Lushington* 4540 *et seq.*

See also *Administration of Justice. Bar. Courts of Justice. Education. Judges. Law.*

Vedas. Instruction in the Vedas would give the greatest offence to the Brahmins; they have been sealed books to the people, *Tucker* 8291.

Vernacular Literature. At present there is no demand for it in India; there is no book-reading public, *Perry* 5927-5930——The object of the East India Company is the formation of a vernacular literature, *Thornton* 5996. 6015——And a reading public is about to spring up, *ib.* 6018—— *See* also *Education.*

Veteran Battalions. There are three native and one European battalion; the natives do much valuable duty, *Alexander* 1004.

Veterinary Surgeons. In the Madras army, they contract to supply native medicines for horses, *Alexander* 1295.

Vice. All vices have their patrons among the Hindoo gods, *Trevelyan* 6779.

See also *Hindoos.*

Village Teachers. How remunerated, *Duff* 6069——The average salary for the whole of Bengal is about three rupees a month, *ib.* 6075.

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Wages. The rate of wages in the agricultural districts is from three to four rupees a month, *Perry* 2752——In Tirhoot the average wages is one and a half rupees a month, *Duff* 6069. 6072——In many parts of the Mofussil two rupees a month would be reckoned high wages among the ryots, *ib.* 6072.

Willoughby, John Pollard, Esq. Served entirely in the Bombay Presidency, 2966——Nature of services stated, 2967, 2968——Returned to England in 1851, after an absence of upwards of thirty-two years without furlough, 2968——Never served in the Regulation Districts, 2969——Has scarcely had any experience in the practical working of the judicial administration, 2970——From the examination of reports, when Judicial Secretary, is of opinion that the judicial system is too complex and too cumbrous, and not sufficiently summary in minor cases, 2972——It is not sufficiently cheap and speedy when compared with the system pursued in the Non-regulation Provinces, 2973——The Company's Courts, however, are cheaper than the Queen's Courts, 2973. 3050, 3051.

Greater attention should be paid in the selection of judges, and in qualifying persons for the office, both at home and in India; attention might be directed to these subjects at Haileybury in the first instance, and in India they should be subjected to some examination upon entering the judicial branch, 2975——It is of advantage having a separate establishment for educating youths for India, 2979.

Suggestions for the improvement of the course of education at Haileybury, 2980-2985——The system at Haileybury is too much one of compulsion, 2992——Too much time is given to the Oriental languages, 2984——Persian is unnecessary in almost every court or state under the Bombay Presidency; it is becoming of less and less importance in India, 2985-2992——Thinks the present age at which young men arrive in India, about twenty-one or twenty-two, is advantageous; any alteration would tell both ways, 2993-2996——Young men identifying themselves with Indian interests is a great point, 2997.

Would recommend all young men commencing in the Revenue Department, 2998——At about the end of five years would give them the option of selecting either the revenue or the judicial line; would subject them to an examination before entering the latter, 2999, 3000——The shifting from one line to another is very detrimental, *ib.*——The two lines are kept more distinct in the Bombay Presidency than elsewhere, 3001. 3008——The grade of Assistant Judge exists at Bombay, which gives a certain degree of training; but the judges now are not equal to what they were, arising from the original jurisdiction being almost entirely taken away from the European branch of the service, 3012——Great evil has arisen from a measure, in the abstract excellent, 3014——Statement of the means by which a writer holding a revenue appointment would be able to qualify himself for the judicial office, 3016-3020.

Salary and promotion is the great difficulty with regard to a complete separation between the Revenue and Judicial Departments; promotion in the judicial line would be more rapid, 3021-3025——One effect would be that the best men would go into the judicial service, 3027.

Is of opinion that there have been great benefits connected with the employment of natives in the Judicial Department, under strict supervision and control; the system has worked well, 3029——At Bombay, the employment of natives has gone as far as prudence dictates, 3030——Jurisdiction of the native judges in Bombay stated, 3031——Reasoning from the number of appeals, is disposed to think very favourably of their decisions, 3035.

Deputy magistrates have recently been appointed at Bombay, 3030——They are entirely uncovenanted servants, 3037——Europeans as well as natives; a direction should be given towards the natives in appointing such servants, *ib.*——Would rather prefer natives to the Indo-Britons, 3038-3040.

The functions of the ex officio Chief Judge of the Sudder Adawlut are confined to cases wherein a competent court cannot be formed without his presence, as where the court is equally divided, 3041——It is only a make-shift, and is in some respects objectionable, 3042——The Member of the Council having the most judicial experience is generally appointed ex officio Judge, 3044——It is certainly the general practice that every man appointed to the Sudder Dewanny Adawlut should have had experience as a judge, 3045.

Impressions are adverse to the amalgamation of the Sudder and Supreme Courts, 3047——Thinks that the Queen's judges would override the Company's judges, 3049——And that the feeling of the Queen's Courts is often antagonistic to the local government, 3053.

Is of opinion, on the whole, that the legislative power should be vested in the Government of India only, 3054——The main defect in the present Legislative Council is, that there

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there is no person to represent the distant parts of India, Bombay, and Madras, 3055-3060——Would recommend that the Supreme Legislative Council should legislate for the whole of India, with the assistance of members from the minor Presidencies having the same voice in all matters as the Bengal Members of the Government, 3057-3077——The representative members of the Council to be appointed by the Court of Directors as long as they form part of the Home Government, 3070.

Witness conducted the proceeding of the Political Court of Criminal Jurisdiction in Kattywar, the first court of the kind in Western India, 3078——It was established in 1832-33, and is presided over by the Political Agent in the province, assisted by three or four chiefs as assessors, 3079——It was found to work well, and similar courts have been established in other parts of the Bombay Presidency, *ib.*——With regard to the power of the assessors the practice varies; is in favour of restraining it to the pronouncing of the verdict, 3080——They were very useful, 3082——The courts are governed by the Bombay code of regulations, untrammelled by its forms, 3091——All cases in these courts are forwarded to the political secretary, and are by him submitted to review by the Governor in Council, 3094. 3100-3104——The Sudder has nothing to do with them, 3093——They are not established by law, but by the paramount authority of Government in the territories of semi-independent chiefs, with their acquiescence and co-operation, 3095-3097——Made use of the courts in some cases of female infanticide, 3086——The natives assisted in such cases, 3087——It was a systematic and inveterate practice; cause of it, 3088, 3089.

The police is not so efficient as could be wished, 3105——And varies much in its constitution and management in different districts, 3107——Is of opinion that we have neglected the native institutions and establishments, and introduced our own system too extensively, 3108——In the native states great security is obtained by the more efficient enforcement of the system of village responsibility, 3116-3119——Which has become much impaired under our administration, 3131, 3132——In the island of Bombay a local tax is levied for the support of the police, 3112.

In accordance with certain minutes, 3105, 3106——The management of the police is now taken from the Sudder Adawlut and vested in the Government, 3120——Which is a great improvement, 3107——But the suggestion to appoint two provincial superintendents to control the police has been rejected at home, 3120——The police of each district is now under the magistrate, who is also the collector, 3121——Is of opinion that the police corps require to be de-militarised, 3122——All the police corps are equipped by Government, 3127——Also the civil police to a certain extent, 3128——They are very inefficient, *ib.*——The internal economy of the police corps is in the hands of the commandant, 3129——The magistrate has nothing to do with their formation, discipline, or equipment; he is only responsible for the peons' establishment, 3130——Dacoities, that is, gang robbery, prevail much at Bombay, 3134.

Perjury is one of the great blots of India, 3136——Considers that the substitution of a declaration for an oath in judicial proceedings has operated injuriously, 3137.

Is of opinion that the admission of barristers into the Company's Courts has produced both good and evil; statement in explanation thereof, 3139-3142——It would take many years to train up a native bar that could compete with the English bar, 3143.

Explanation of the nature and extent of the Bombay Code, 3145-3152——When introduced into the Deccan it was modified in favour of a privileged class called Sirdars; nature of such modification described, 3153——The Code has been objected to as following too closely the English model, and for the extent to which it allows appeal, 3154——Doubts whether the Macaulay Code will be found to work practically so well as the Elphinstone Code, *ib.*——It has been an important benefit to the Presidency, 3155——It has been translated into the Guzerattee and Mahratta languages, 3156——Never heard of any difficulty in making it intelligible to the natives, 3157.

With reference to the Bombay petition, witness is of opinion that it cannot be regarded as a reflex of the native mind, 3159, 3160——Or as conclusive evidence of the feelings of the natives, 3163——Even if it were the opinion of the Presidency, you could not thence infer the opinion in the Mofussil; they are almost a different class, 3176, 3177——It treats of questions of which, generally speaking, they know but little, 3160. 3163——Understands that Sir Jamsetjee Jeejeebhoy and family, and many others, have withdrawn from the Bombay Association, 3159. 3161. 3165——How it originated, 3168——Considers the opinion of Monackjee Cursetjee, as set forth in his pamphlet, as important as that of the petitioners, 3167——He considers himself to have been ill treated by the Government, and, therefore, has no bias in their favour, 3169, 3170——He is for changes, but thinks that his countrymen are going too fast, 3172——He repudiates several of the grievances the petitioners complain of, 3173.

[Second Examination.]—Statement at length of Monackjee Cursetjee's view on the subject of the Bombay Association and the Bombay Petition, extracted from his pamphlet, 3180——Though the petitions cannot be regarded as pure emanations from the native mind, they nevertheless contain some excellent suggestions, *ib.*

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Statement of Monackjee Cursetjee's grievances against the Government, 3181——The Bombay Petition has been translated, 3186——But is not aware of it having been sent into the Mofussil, 3187——It proceeded altogether from persons conversant with English, 3188——Witness derives all his information respecting the petition from Monackjee Cursetjee's pamphlet, and from the newspaper discussion, 3189——If untrue, he would have been exposed by the press, 3190.

The petition was published in a native newspaper before seen by the association, or approved of by the managing committee, 3194——There is no extensive circulation of native newspapers beyond the Presidency; not in the Mofussil, 3195.

Thinks that the Government is in error in allowing its best actions to be misrepresented by the press, 3199. 3202——It ought to watch the press, and see that it is not abused, 3203——At Bombay it is the duty of the Secretary in the Persian Department to bring under the notice of Government any articles in his opinion requiring consideration, 3204.

Is not aware of any means by which a document, such as the petition purporting to be from the natives of Bombay, could be circulated in the Mofussil, 3205——If discussed in the bazaar, the first question would probably be, who the Court was, and who the Board was, 3208.

The Sudder Adawlut superintends and controls the administration of justice of the Presidency, 3210——The Queen's Courts are certainly not more popular in the interior, and doubts whether they are very popular even at the Presidencies; to a certain extent they are popular, because they operate as a salutary check upon the other authorities, but the expense is enormous, 3211.

Transferring revenue servants to the Judicial Department occurs less in Bombay than in the other Presidencies, 3212——Never knew the Government make a judicial appointment because of failure in the revenue branch, 3213.

The Sudder Dewanny Adawlut interprets the law in doubtful cases by issuing orders which are printed, and acquire the same force as the law itself; considers it objectionable, 3214——Recommendation of the Law Commissioners upon the subject, 3215——Does not think that draft Acts sent to the Supreme Government have been altered so often as to be matter of complaint, 3218——Or that there has been much delay which could have been avoided by the local Government, 3219——But alterations have been made contrary to the opinion of the local Government, 3220——The ordinary rule is, to allow an interval for consideration, and for the offering of objections, 3221.

The system of appeal is allowed to too great an extent in India, 3222——It is not confined to once or twice, but is permitted from one court to another, 3223——Besides regular appeals, there are special appeals, and likewise reviews of judgments, *ib.*——Is of opinion that the system favours the rich suitor, and promotes litigation, *ib.*——Would not deny the right of appeal, 3224——But would limit it, *ib.*——The comparative perfection of the native agency in the Judicial Department is, in a great degree, owing to the right of appeal, 3226——Statement of the appeals now allowed, *ib.*——Would rather not take the native judges from their immediate locality, 3227——Thinks that there would be considerable advantage in having a court of final appeal in India, but the difficulty would be to form it, 3228——It would be saving of time and expense, 3229——In important cases it is desirable that there should be an appeal to England, 3230——The check against error in the judges of the Supreme Court should not be altogether removed, 3231——No appeal should be allowed on technical grounds; the courts in India should have power to amend in such cases, 3234.

The Stamp Act only applies to the Regulation Provinces, 3236. 3239——In some parts there is an equivalent payment in the shape of a small per-centage upon the amount of the suit, 3237——Believes that it originally formed part of the Elphinstone Code, 3241——In the abstract a stamp duty on legal proceedings is bad, 3242-3245——One object of the Act was, no doubt, to check litigation, 3242——Cannot say whether people are more litigious in states where there are no stamps, 3248, 3249——But considers that our system promotes and fosters litigation, 3249.

The Company has no peculiar privilege when a party to suit, 3250——And it is liable to be sued in all courts, from the highest to the lowest, 3254——Number of such suits in 1848-49; 3255——The feeling of independence extends to the lowest judge, who freely decides against the Government, *ib.*——In form, in the interior it is a suit either by or against the collector, the representative of the Government, 3256, 3257.

The maxim of *nullum tempus* is not known, 3250——Limitation under Regulation V. of the Elphinstone Code, 3251, 3252.

The effect of admitting natives to the grand and petty juries has been good; eligibility for the grand jury, and exemption from the petty jury, is an object of ambition, 3258.

The commission of the peace is obtained from the Supreme Court; the appointment runs in the name of the Governor in Council, but the Governor nominates, 3259——Considers the intervention of the Supreme Court unnecessary, *ib.*——Believes that the

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Governor can overrule the advice of the Council, 3261-3266——At Bombay all the patronage is, in practice, vested in, and distributed by, the Governor, 3266.

There was always at Bombay a small cause court, called the Court of Requests, with a limited jurisdiction up to 80 rupees; it has been abolished, and a court with increased jurisdiction, similar to the one established at Calcutta, has been introduced; opinion at Bombay was rather adverse to the new court, 3267-3271——If practicable, the introduction of Small Cause Courts into the interior would be the greatest benefit to the country, 3272——The difficulty would be in regard to the agency available, *ib.*——The Moonsiffs' Courts are, to a certain extent, small cause courts, 3273——Remarks on the condition in society and the remuneration of the Moonsiffs and Sudder Amins, 3274 *et seq.*——Their means of obtaining a legal education, 3282, 3283——They are examined by the judges in the Sudder Court, aided by their native officers, 3284——Considers that the junior European civil servant is subjected to a much more severe test before he is appointed to a judicial office, 3285.

Many of the patells are insufficiently remunerated; representations have been made on the subject to the Government of India, and a very voluminous correspondence has been carried on, 3287-3292.

The municipality of Bombay is under the management of the justices of the peace, European and native; the interest taken by the latter in their affairs is increasing, but it is sometimes difficult to assemble a bench, 3293, 3294.

The ability of the local government to reward natives is not so great as is desirable, 3296——Nature of the rewards given, 3296-3301.

Complaints have been made that information has oozed out of the Secret Department, 3302——The breach of faith is certainly not chargeable on the European covenanted servants of the Company, 3303——Recollects two instances of breach of trust on the part of natives in the Secretariate, 3303-3305——Would not recommend employing Europeans from England more extensively as uncovenanted servants in the Secretariate, 3306——Generally speaking, secresy is preserved wherever it is essential, but insuring perfect secresy is impossible, 3307.

Explanation of the way in which important military papers were first published in the Bombay newspapers during the Affghan war, 3309.

Wilson, Horace Hayman, Esq. Is Boden Professor of Sanscrit at Oxford, Librarian to the East India Company, and Oriental Visitor of Haileybury and of Addiscombe, 7193——Situations held by witness in India, 7194——Has had very extensive opportunities of observing the progress of native education, 7195——Statement of what Government had done towards education before the Charter Act of 1813; 7196.

Institutions which came under the direction of the Committee of Education, 7197——They established new institutions, particularly one at Agra, and one at Delhi, 7198——The proceeding of the Committee, in the first instance, was to ascertain the state of education in the provinces, 7199——The returns were very unsatisfactory, *ib.*——Their attention was especially turned to the improvement of the Sanscrit College, the Madressa, and more especially to the Hindu College, *ib.*

Object and history of the Hindu College prior to the formation of the Committee of Education, 7200——Statement of the arrangements made upon application being made to the Committee on Public Instruction for assistance, 7201——The college has not increased numerically as much as might have been expected, 7202——Nature of the examinations required from the candidates for scholarships, *ib.*——It was a great object to begin the study of English as early as possible, 7204——Boys were not admitted after twelve, unless with some previous knowledge of English, *ib.*——The age of the senior scholars would be between eighteen and twenty, *ib.*——Other public institutions in Bengal in which English is either taught exclusively or combined with the native languages, 7207.

Lord W. Bentinck's order may have increased the study of English in Bengal, but not in the Upper Provinces, 7208——The effects of it have been much misrepresented, *ib.*——Is of opinion that it was a very objectionable order, *ib.*——It abolished the stipends altogether, and it caused great dissatisfaction among the natives, until modified by Lord Auckland's grant of pecuniary scholarships, *ib.*——But the system is still defective, as it does not enable students to come from a distance, 7209.

With regard to Lord Hardinge's order, much objection was raised to it, and with reason, by the Independent and Missionary Schools at Calcutta, and the students of the Mahomedan and Sanscrit Colleges, 7210—— Little practical good has resulted from it, *ib.*——English education gives a much higher tone of moral feeling; but is of opinion that there is more vigour of intellect among young men educated according to the native system, than in those educated according to our own, 7211——The young men in the Sanscrit College were accustomed to translate portions of Shakespeare, 7212-7214——

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For judicial functions, the men from the Government institutions are a better class, morally speaking, than those from the native colleges, 7215.

English study liberalises the feelings of the young men, but they do not make such good reasoners; at all events, not better than the pupils of the Madressa or Sanscrit College, 7216——It does not take a greater time to acquire a knowledge of Sanscrit than of English, 7217——You may make a very good Sanscrit scholar in twelve years, *ib.*——Comparative advantages of Sanscrit and mathematics in mental training, 7219, 7220——The natives are very good arithmeticians, 7221——Objections to their system, 7222——The people look with no respect upon our English scholars, 7225——They venerate Arabic and Sanscrit, but do not look upon English as real learning, *ib.*——One learned in their own learning enjoys high consideration among them; but a native does not enjoy any consideration by virtue of his being an English scholar, 7227——Does not think that there is any jealousy of English acquirements, 7228——The only titles to consideration among the Hindoos are, first, being a Brahmin, and in the next place, being a learned Brahmin, 7229.

In Calcutta, natives of the highest rank send their sons to the Hindu College, 7232, 7233——Under their own system, they would have a private tutor, 7233——Objects for which natives of high rank, and natives of inferior situations, study English, 7234.

With regard to education, every thing went on happily, and great progress was made until 1835; the educational controversy originated with Lord W. Bentinck's order of 1835; objections to it, 7235——The objection was not so much to the English language as that the whole of the funds should be absorbed in it, 7250——A remarkable effect is being produced now at Benares by translations of useful English works, &c., by the Pundits, 7235——There was no qualification in Lord W. Bentinck's order with regard to the vernacular languages; it recommended that the funds should be applied for the cultivation of English alone, 7237——Persian was discontinued about the same time, but not in connexion with that order, 7239——The great source of mistake among the advocates of the English system exclusively has been ignorance of the country and of the wants of the people, 7240——English is comparatively of no advantage in the Mofussil, *ib.*——Considers Lord W. Bentinck's mistake arose from seeing the great success with which the English studies were pursued at the Hindu College, 7241——There is an evident want of experience and knowledge of the country throughout Mr. Macaulay's minute, 7242.

Sanscrit is intimately connected with Bengalee and with Hindu law, 7243——There is a considerable body of literature in Sanscrit, 7244——The Brahmins cultivate different branches; no one pretends to be familiar with every subject; it was one of the things we wished to change, and to make the Pundits more general Sanscrit scholars, 7245.

Would make the vernacular languages the vehicles of communicating sound instruction by establishing vernacular schools to a greater extent than they at present exist, 7246——The vernacular schools in the Lower Provinces are in a very languishing condition, 7247——Recommendation that the Hindu and Mahomedan Colleges have to the patronage of the Government, 7248.

The Hindu and Mahomedan Colleges require encouragement rather than assistance, 7251——With regard to English, the mere possession of the language has no necessary effect upon opinions and sentiments, *ib.*——The Mahomedan and Hindu Colleges have English classes; it was a mistake withdrawing the English class from the Sanscrit College, 7252——Reason why it failed, *ib.*——Many of the students had made considerable progress in English, *ib.*——A great many translations of English works have been made, particularly in the Upper Provinces, 7253——Witness had Lord Brougham on the advantage of science translated into both Sanscrit and Bengalee, 7255.

There are several printing presses at Lucknow, 7255——The works are principally lithographed, *ib.*——They print their own standard works and newspapers, 7256——The average circulation of native newspapers in the Upper Provinces is about fifty-three, 7257——They are of a very humble character, 7258——Though now and then abusive, they are generally inoffensive, 7259.

The state of education is very much behind at Madras, 7260——There is a Board of Education, but they waste their time in disputing, particularly about the introduction of Bible classes, *ib.*——The University never was more than a high school, 7261——English education is extending very considerably at the Presidency, 7262——One reason why the Government have done so little is, the missionaries have done so much, *ib.*——The state of things in Madras is much to be regretted, 7264——The presses are numerous and very active in printing translations from Sanscrit into Tamul and Teloogoo, 7265.

With regard to education at Bombay, they have been very active and very successful, 7266——But the schools propose to teach more than the people require, 7267——What is required is more on the plan of Mr. Thomason's village schools in the North-west Provinces, *ib.*——Funds available for education in Bombay, 7268.

Number of practical and professional institutions in the provinces, 7271——Objects and result of the medical schools; they have been very successful, 7272——Though the efforts

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of Government to promote education have had a good effect upon the native mind to a certain extent, they can scarcely be said to have had any sensible operation beyond the Presidency, 7273——Recommendations in furtherance of the views of Government, 7274——Would give more encouragement to native establishments, and render the vernacular schools more efficient and numerous, *ib.*——Objections to making attendance upon such schools a condition for public employment, 7275——The practical effect of Lord Hardinge's order has been to restrict employment to those educated at the Hindoo College, 7277.

Does not think that any good would arise from the establishment of universities at the Presidencies, with the power of conferring degrees, 7278.

Objection to employing native medical men in the covenanted service, 7281 *et seq.*——No advantage would result from incorporating even qualified natives in the Company's medical service, 7284——Native medical practitioners have some very good practical rules; their knowledge of symptoms is very accurate, 7285——They have a very neat steady hand as surgical operators, 7288.

Has had considerable experience with regard to the instruction of the junior civil servants in the Oriental languages, 7290——Languages taught at Haileybury, 7291——Proportion of Sanscrit and Persian in the other native languages, 7292——Even in Tamul, the root of the languages of Southern India, the proportion of Sanscrit is very large, 7293——Tamul is a very difficult language, 7295——Considers the instruction in Sanscrit the most essential part of the education at Haileybury, 7296——Reasons for such opinion, 7297——Instruction in Sanscrit forms the most essential part of the education of the Hindus in India, 7300——A few young men acquire a very respectable proficiency indeed, but the majority little or none, 7301——How they manage to pass the examination at Haileybury, 7303——They may pass and receive appointments, and yet be tolerably ignorant in regard to Oriental studies, 7305——Has no objection to the system of competition, 7308——But it would not always be very easy to select from the candidates, 7312——Under the European system a young man would learn Sanscrit in much less time than when taught according to the native system, 7309——Why the European mode has not been introduced into the Sanscrit College in India, 7311——The course of study at Haileybury has a very favourable influence upon the results of the examinations in India, 7314——Would recommend teaching merely the Arabic and Sanscrit in this country, as the vernacular languages are much more readily learnt in India, 7315.

Wise, Joshua Patrick, Esq. Has been twenty-eight years in India, 5244——In the zillah of Dacca, engaged in cultivating indigo, and in charge of large estates, 5245, 5246——Has about fifty factories in the Dacca district, 5248——Purchasers of land are subject to great litigation, arising out of questions as to the validity of tenure, and from the boundaries being undefined; there is great difficulty in the way of evidence, 5249-5254——Resumption regulations were the greatest blight and curse that the Government of India ever inflicted on the country, 5254——They have covered the country with perjury and forgery, and shaken the confidence of the people in the Government, 5254-5258——Effect of the law, 5255.

Magisterial powers are a great difficulty to Europeans; the magistrates are generally young men, and when they become sufficiently experienced to do their duty satisfactorily, they become collectors, 5259.

Government revenue is payable on four fixed days in the year; if not paid when due the estate is sold by public auction, after an advertisement of thirty days, 5260-5265——The only restriction upon the sale is, that the Government bid as far as they have a claim, 5266——Has known many valuable estates sold for one rupee to Government; no bidders, 5267——Rents are all paid at the collector's office at the same time, in solid coin, 5268-5274——The office is sometimes fifty or sixty miles from the person's residence, and he is liable to robbery on his way, 5269. 5272——Witness purchased his estates partly at public auction, partly by private purchase; was the first European that purchased land in India before the law was altered, 5275——The sale was upset in the Sudder Board of Revenue, and the purchase-money was all lost, 5275. 5279-5281.

Witness cultivates indigo partly on his own property and partly upon the property of other Zemindars, 5276——It is more satisfactory to cultivate yourself, 5278——If you advance to the ryots you are often disappointed, *ib.*——Has not found the same crop sold to other persons also; though it is sometimes done, 5282.

The comfort and happiness of a whole district rest upon the magistrate, and upon his power, 5283. 5286, 5287——The natives are very quick in discerning his character, 5286, 5287. 5386——The reformation caused by a good magistrate in a few days is astonishing, 5286, 5287——He was formerly a gentleman of high standing, of judgment and experience; the system now is to have a young man who remains only a few years at the most, 5284——Would give the superior officer the larger pay as magistrate, and make the collector the inferior officer, 5288——The collector's duties are trifling as compared with the magistrate's, 5289——His duties described, 5289-5293——The Commissioner of Revenue

Reports, 1852-53—*continued.*

Wise, Joshua Patrick, Esq.—continued.

Revenue is the best man for improving the district, and for superintending police affairs, &c.; but he has at present nothing to do with it, 5293——He has not a great deal to do, 5296——Would give him the duties of the sessions, 5297——Duties of the zillah judge of Dacca detailed, *ib.*——Part might be discharged by the Commissioner of Revenue, 5298.

The native officers in the courts of the European judges are generally very corrupt and crafty, 5383——And with a young magistrate have generally great power, 5384——Corruption is much checked by an able judge and an able magistrate, 5386——Some are very able, but many are without judicial experience, 5387——But the ability of an Indian judge depends more upon his natural qualifications than upon his knowledge of the law, 5388——The system of assessors and juries has been introduced by enactments; is astonished it is not more used, 5389——The judge selects the assessors, 5393——He is not bound by the verdict of the jury, 5389——Considers the Hindoos as preferable to the Mahomedans in every respect, 5397.

It might be useful to have one of the judges of the Supreme Court to assist the judges of the Sudder, 5400——Thinks most Europeans would prefer having their cases tried by the Sudder Dewanny rather than by the Supreme Court, 5401——Thinks that the fear of the Supreme Court operates favourably upon the magistrates, 5403-5408——It is no impediment to the administration of justice, 5407——The administration of justice is very expensive; in some cases the expense is twenty per cent., 5402.

The natives are very well adapted for the judicial offices they hold when well looked after by the judge, 5376——Cannot say that they are corrupt, 5378——But they are influenced by feelings of favouritism or the reverse, 5379——And the prejudices of caste, 5380——Has heard vakeels complain that it was a toss up who would gain or lose the case, *ib.*——It is a great defect that there is no public opinion in the Mofussil to control the conduct of the judges, 5382——The Europeans are very much afraid of the Mofussil tribunals, 5415——It seems the bugbear of the service, the desire to bring the Europeans under them in every way, *ib.*——The magistrate already has great power, *ib.*——And does not think that any evils arise from the present state of the law, 5416——The position of the European would be dangerous if subjected to the same courts as the natives under the existing laws, 5417——But not with a good code and good judges, 5419——The Law Commission only brought in a portion of the criminal code in a very objectionable form, 5418——The magistrates are not generally well disposed towards the settling of Europeans in the districts, 5404-5406——None of the Europeans in the zillah of Dacca are employed as uncovenanted servants in the administration of the country, 5430——They might act as magistrates occasionally, 5431, 5432——But they are not encouraged, 5433.

The native deputy magistrates are not good; not so good as the European, who are uncovenanted servants, 5299, 5300——Military men make useful magistrates, 5301-5303——Corruption and false evidence are the great evils of the police system, 5304——It is seldom that a European suffers from depredations, 5305——It requires great experience, tact, and ability, to get proper work out of the native police, 5306——The magistrate and the deputy magistrate, if an able man, can do so, *ib.*

Dacca has become very unhealthy of late years, owing to the neglect of drainage and cleanliness, and the encroachments of jungle, 5310. 5314——Manufactures have fallen almost to nothing, 5315-5317——Witness has never grown cotton, 5318——But it has proved most productive in a garden, *ib.*——Tippera cotton is short, and worth about 1½*d.* a pound clean, 5319, 5320. 5323——Dacca cotton is long, and worth 3½*d.*, 5322, 5323——It is very soft, 5333——Tippera cotton is cleaned with a rude native machine called a cherk, 5362——It is dirty, 5327——Rough and woolly, though strong in texture, 5332.

Government had a gentleman some years ago at Dacca for the purpose of cultivating cotton; he was also sent to Assam, but was unsuccessful, 5334-5337——The natives must grow it, and they require encouragement by advances, 5337, 5338——American cotton in witness's garden answered remarkably well, but not equal to the Dacca, 5340. 5343——The natives are excellent cultivators, 5346——The cultivation of cotton has been retarded by other crops being found more profitable, 5347. 5351——Indigo was forced under the system of advances, and is more profitable, 5349. 5352. 5367——Is not aware of any legal difficulties, excepting the unfavourable way the law bears upon European settlers in general, 5356——There are great difficulties in central India from the very bad roads and from the want of irrigation, 5357, 5358——The climate is favourable in the Dacca district, and there are facilities of conveyance, but the cultivation of cotton is not extended, 5358-5364——The Bengalee is less enterprising than the rest of the natives of India, 5365, 5366——The cultivation of indigo has increased at Madras, 5368——Sugar is cultivated to a great extent in Bengal, and is manufactured by each cultivator for himself, 5370. 5372.

Some eight or ten years ago, a large sum was left by a Mr. Mitford for the benefit of the Dacca district; it has been frittered away in Chancery, 5412. 5414——There are some large landed proprietors at Dacca; some having about 60,000*l.* a year, their estates are let out in portions at rents, and are generally highly cultivated, 5420-5427.

Reports, 1852-52—*continued.*

Wise, Thomas Alexander, Esq., M.D. Went to India in the Company's medical service in 1827, and returned in 1850; organised, and was principal of, the College of Hooghly for three years; was principal of Dacca College for two years, and secretary to the Committee of Public Instruction for about three years, 6923.

Course of education at Hooghly College, 6924——The funds were derived from a Mussulman endowment in the neighbourhood, 6925——Evidence as to the desire on the part of the natives for an English education, 6925 *et seq.*——The Hindoos were more easy to instruct than the Mahomedans, 6931——There was no difficulty arising from caste, 6935——The tendency of the education given was to obliterate the distinctions of caste, 6937——But no alarm was exhibited on the part of the natives, 6942——And attributes it to the well-known declaration of Government to remain neutral in regard to religion, 6943.

The effect of education was, that their faith was shaken, and they improved much in intellect and in their sense of moral truth, 6944——Some were converted to Christianity, *ib.*——The instruction in physical and mathematical truth shook their whole faith in their religious principles, 6947-6949——It is impossible to shake their views of physical truth without shaking their religious faith, 6950.

Extent of instruction in the Oriental languages at Hooghly College, 6953——There was no desire on the part of the pupils to pursue them, 6954——Except for the purpose of fitting themselves for law offices, 6955, 6956——There was no medical class, 6966——The higher classes read the Arabic and Persian law books, 6967.

Number of pupils at Hooghly College, 6957——The English classes never succeeded to any extent among the Mahomedans, 6958——There was a much greater disposition on the part of the Hindoos to learn English, 6961——Attributes it to their desire for lucrative employment, 6962——And that they are more sensible of the advantages to be derived from it than the Mahomedans, 6963——Not to the fear of conversion having greater influence over the Mahomedans than the Hindoos, 6964, 6965.

The vernacular languages were taught with a great deal of effect, 6970——The books were obtained from the School Book Society, Calcutta, 6972——And were chiefly prepared by the missionaries, 6973——Teaching the vernacular according to the native method is rather an obstacle to getting on with English, 6975——Teaching the two languages simultaneously is infinitely the best system, 6977.

During Sir E. Ryan's time, a system of scholarships was organised in order to enable a boy to remain longer at school, 6980——Which has been of the greatest advantage, 6982——There was an annual examination, and a considerable advance required, or the scholarships lapsed, 6986.

A normal school has been attempted since witness left India, but it does not appear to have succeeded, 6987——It is of the greatest importance to have good masters, *ib.*——But there is very great difficulty in getting them, 6988——Instruction was given in the application of mathematics to astronomy and other practical subjects, 6989——And, to a certain extent, in civil engineering, 6990——There are daily increasing opportunities for the employment of skilled and educated men, 6993.

The candidates for admission to Hooghly College frequently knew only the simplest elements of their own language, 6994——It would be of the greatest consequence to commence education with an infant school, 6995——Witness established a school at Hooghly, which went on remarkably well, and turned out very superior youths, *ib.*——Is aware of cases in which the education acquired at the college has produced beneficial results, both in public and in private employment, 6997, 6998.

At the first introduction of medical studies, it was considered as quite impossible to introduce the study of anatomy, 7001——There are now good anatomists, expert surgeons, and sagacious practitioners among the natives, 7002——The prejudices of caste, as far as the medical students are concerned, have disappeared entirely, 7003——The effect of the progress of practical science is to shake the principles of Hindoo superstitions in all cases, 7005.

The principle upon which the college at Dacca was established was very much the same as at Hooghly, 7009——But the education was confined to the vernacular and English, 7010——It was formed from the Education Fund, and supported by Government, 7011——The classes attending it were the same as at Hooghly, 7013——And there is no particular difference between the two, 7015——In Dacca there was a greater desire to learn English from the Abkaree Commissioner only employing in his office students who had passed through the college, 7017——It gave a great stimulus to education, 7018——Lord Hardinge's declaration had the best possible effect in stimulating native education, 7021.

Education has had the best effect in removing many of the false ideas of morality, 7022——Which are traceable to principles inculcated in Oriental literature, and by parental authority, 7024——It is therefore desirable to have boys at the English schools at as early an age as possible, 7025——No religious instruction was given at Hooghly or Dacca, but the instruction given has the strongest tendency to increase a desire to know something of the Christian religion, 7026, 7027. 7029, 7030——Clergymen and missionaries have frequently examined the students, and expressed their astonishment at the extent of their knowledge

Reports, 1852-53—*continued.*

Wise, Thomas Alexander, Esq., M. D.—continued.

knowledge of Christianity, 7028——The Bible is examined by them as a private study without the assistance of a teacher, 7030. 7077——It is of the greatest importance that Government should not interfere with the religion of the natives by direct assistance, 7033——The neutrality that has been always held by Government should be continued, 7035——Notwithstanding that the Koran, the Vedas and Sastras are admitted into some schools, it would be impolitic at present to admit Christian teaching, 7039——Never heard of children being turned out of school in consequence of becoming Christians, 7043.

The endowment of Hooghly College was wholly Mahomedan, 7046——To which assistance is given by the Government for promoting education in science and English, 7047——Reasons why the number of pupils has been reduced, 7049-7051——Under the one system the students were paid for attending; under the other system they pay for their instruction, 7053——Mr. Bethune's bequest of 10,000*l.* for the education of females was appreciated by the European community, but only partially by the natives, 7055——Probable reason of the objection of the natives to female education, 7056 *et seq.*——It is now diminishing, 7061——The education of Hindoo women is of the greatest consequence in the preparation of children for school instruction afterwards, 7063.

Frequently visited the missionary schools in India, 7064——There were more converts from the Hindoo College than from Dr. Duff's school, 7067——The distinction between Dr. Duff's system and ours is, that he employs the Bible as a text-book; in ours it is merely used as a book of reference, 7069——In the missionary schools the Christian religion is taught with a view to proselyting, 7073——The general opinion in India is, that there are as many converts from the Government institutions as from the missionary schools, 7076.

It would be advisable to establish a University at each Presidency, for the examination of scholars from all schools, 7079——It would be of the greatest advantage; for you would form a class of men possessing degrees who might be employed in Government offices of trust, &c., 7080——When in India, there was no exclusion of natives from competition under Lord Hardinge's order, 7081.

The Hindoo Sastras and the Koran are taught for secular purposes, in order to raise up the law officers, the Malavies and the Pundits, 7084.

Is not aware that the Anglo-Indians subscribed and established an institution for educating themselves, 7088——There is La Martiniere and other institutions, *ib.*——La Martiniere is always full; it bestows an excellent education, and affords instruction in religion, modified in a certain degree, 7089——Generalised to meet the views of the different sects of Christians, 7090——The students generally pursue the religion of their parents, 7092——They are not necessarily Roman-catholics, 7093.

Witnesses. The compulsory attendance of witnesses is often great hardship, *Hill* 2134, 2135——There is great difficulty in judging of their credibility, *ib.* 2260-2263——They cannot be called from a distance without diet-money being paid, *Reid* 2864——The diet-money is regulated by a list prepared in every district, *ib.* 2865——By the judge, *ib.* 2866——In some cases it is absolutely necessary for the interests of justice to detain witnesses, *Halliday* 3548——In the large majority of the cases, the judge is totally ignorant of the character of the witnesses, *Lushington* 4492——Has no doubt but that there are people hanging about the courts of justice who are regularly employed to give evidence, *ib.* 4495——Witnesses may often have been detained in confinement, not exactly in prison, *Torrens* 8577——In order to prevent their being tampered with, or going away without giving evidence, *ib.* 8580——Evidence as to the distance from which witnesses have to come to attend courts, *ib.* 8581 *et seq.*——*See* also *Evidence.*

...wich Military Academy. The course of education there was very low in 1797, *Pasley* ...2.

... Buildings. The abolition of writers' buildings has improved the character of the ... man as regards pecuniary difficulties and debts, *Halliday* 3423.

... also *Civil Service.*

...s. Are the valuable appointments in the hands of the Court of Directors, *Perry* ...—On the average of the last ten years, they amount to 28 per annum, *ib.* 2600 ... actual appointment to a writership does not take place until after the student ... Haileybury, *Melvill, Rev. H.*, 4820.——*See* also *Civil Service.*

... Charles. His system of disposing of appointments would get rid of the chief ... patronage, *Perry* 2598——Way of bestowing his patronage when ... Board of Control, *Halliday* 3716——Would be glad to see something like ... improvement, *ib.* 3719.

Reports, 1852-53—*continued.*

Y.

Young Bengal. Are altogether alienated from their old superstitions, without having any tendency to embrace Christianity, *Marshman* 5122——They form some of its greatest opponents, *ib.*——Their character described, *Duff* 6227——Their spirit is essentially infidel, and anything but friendly at the bottom to the English Government, *ib.* 6264——They pride themselves upon treating the popular superstitions with contempt, *Marshman* 6441.

Z.

Zemindars. It would be exceedingly advantageous to bring them into co-operation with the Government; suggestions with a view to that object, *Halliday* 3600, 3601——Would propose giving them some dignifying title, with a view to induce them to co-operate more readily with the British authorities, *Duff* 4213——Would object to giving them power, with a view to assisting the Government, either in the administration of justice or the police, *Hawkins* 4381. 4383. 4386——Cannot say that there is a class growing up superior to the old class of zemindars, *ib.* 4384——Is of opinion that they could not be employed in petty causes with advantage, *Baillie* 4125.

There is scarcely one of any influence in Bengal but holds a regular court for the administration of justice among his tenants, *Halliday* 3601——If legalised, would not give an appeal from his decision, but would keep him under the superintendence of the magistrate, *Halliday* 3604,3605——The cases illegally decided by the Zemindars relate to petty offences and quarrels between their tenants, *ib.* 3613——They do practically exercise a jurisdiction, but would not legalise it under restrictions; would have no hereditary nor private judges, *Baillie* 4127, 4128.

In Bengal the zemindars have had powers given to them which have no due respect to the rights and privileges of the ryots; their illegal exactions are endless and nameless, *Duff* 4224——Their great power described; it resembles that of the barons in this country three hundred years ago, *Marshman* 5148——In Bengal they have private wars among themselves, *ib.* 5150——An investigation directed by Lord Dalhousie into a case which occurred shortly after his arrival in India, has operated in a most salutary way, *ib.* 5150-5153——They are the greatest cowards in the country, *ib.* 5154——They continue to obtain abwabs from the ryots, notwithstanding their illegality, *Duff* 6204 *et seq.*——The zemindar is usually able to impose what rent he pleases, *ib.* 6213——Notwithstanding that by law it ought to be estimated according to the nerik, or local rate, *ib.*

Generally speaking, they have neglected their tanks, *Sims* 8866——They sink into a state of indolence, extravagance, and self-indulgence, from being deprived of objects of ambition, *ib.* 8867.

Zemeendaree Villages. The proprietors, by law, are jointly and severally responsible for the revenue, *Lushington* 4598.

Zemindaries. In Bengal the boundaries should be defined, and the farms of the ryots marked out, as has been done in the North-western Provinces, *Duff* 4244.

Zemindarry Dawk. See *District Dawk.*

Zenana. The usage and practice of the zenana is quite adverse to the education of females, *Wise* 7060.——*See* also *Female Education.*

Zillah. Is a district containing about 1,000,000 inhabitants, *Hill* 2114——Over which is placed an officer exercising civil and criminal jurisdiction as judge, *ib.*——Having under him a variety of native judges exercising a more limited jurisdiction, *ib.*——And a register by whom he makes a distribution of business, *ib.*——There are from six to ten districts, each zillah presided over by a moonsiff, or small cause judge, *ib.*——From whose decisions an appeal lies to the zillah judge, *ib.*——Who is authorised to refer them to the native judge, the Principal Sudder Amin, *ib.* 2215——An appeal lies from the zillah judge to the Sudder at the Presidency, *ib.* 2114——The zillah judge is also a criminal judge, *ib.* 2144——The zillah court holds the place the provincial court used to hold, 2308——Zillahs and tannahs, in point of extent and population, correspond somewhat to the departments and arrondissements of France, *Duff* 6058.

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